

EPC COMMISSION MINUTES & AGENDA

MONTH June

YEAR 1993

MEETING AGENDA
ENVIRONMENTAL PROTECTION COMMISSION
WALLACE STATE OFFICE BUILDING
DES MOINES, IOWA
June 21, 1993

File Name: ADM-1-1-1 RECORD COPY
Initials: EPC Meeting
Date: June 1993

Meeting convenes at 10:00 a.m., Monday, June 21, 1993, in the fourth floor conference room.

Public Participation

10:30 a.m.

APPOINTMENTS:

1. Approve Agenda.
2. Approve Minutes of May 17, 1993.
3. Director's Report. (Wilson) Information.
4. Financial Status Report and Budget Resource Information. (Kuhn) Information.
5. Final Rule--Chapter 213, Packaging - Heavy Metal Content (TABLED). (Hay) Decision.
6. Monthly Reports. (Stokes) Information.
7. Proposed Rule--Chapter 22, Sulfur Dioxide Emission Offsets in Muscatine. (Stokes) Information.
8. Proposed Rule--Chapter 23, Training Fires. (Stokes) Information.
9. Notice of Intended Action--Chapter 22, Air Construction Permit Exemptions. (Stokes) Decision.
10. Proposed Rule--Chapter 61, Water Quality Standards - Antidegradation Policy. (Stokes) Information.
11. Final Rule--Chapter 61, Water Quality Standards Stream Use Designation - Phase V. (Stokes) Decision
12. City of Winthrop Wastewater Treatment Facility and Receiving Stream. (Stokes) Information.

EPC Agenda - Page 2

- 13. Proposed Rule—Chapter 72, Floodplain Development, Protected Streams. (Stokes) Information.**
- 14. Contested Case Decision Appeal—Harlan and Elaine Pruess. (TABLED). (Stokes) Decision.**
- 15. General Discussion.**
- 16. Address Items for Next Meeting.**

NEXT MEETINGS:

July 19, 1993

August 16, 1993

September 20, 1993

ENVIRONMENTAL PROTECTION COMMISSION

Monday, June 21, 1993

NAME	COMPANY OR AGENCY	CITY
(PLEASE PRINT)		
Irving LaFayette	Grain Processing Corp.	Muscatine
George TeKippe	TeKippe Engineering	West Union
W. D. Derrice	MAYOR	Winthrop
Jim Burns	Senior Supt.	Winthrop
DAN VEST	GRUWARK	Bloomington, IL
Kristen Huschman	O.T.C.	Pole
Van Beachy	Radio Iowa	Des Moines
Theresa Kahoe	Iowa Senate	DSM
Mary Braun	Iowa House	DSM
Chris Gault	Farm Bureau	WDSM
Scott Young	Nypmaster	Des Moines
Tom Jones	Steel Druggs Insurance	Chicago
Jane B. McAllister	Ahlens Law Firm	DSM
Rick Kelley	UHL	DM/IC
Robin Fairtry	Midwest Power	DSM
CLIFF SCHERRER	MUSCATINE POWER & WATER	MUSCATINE
PAUL WEDER	"	"
DON PARKEN	"	"
	Chilmark	

RECORD COPY EPC *Notes*
File Name ADM-1-1-1 June 1993
Senders Initials JH

MINUTES
OF THE
ENVIRONMENTAL PROTECTION COMMISSION
MEETING

JUNE 21, 1993

WALLACE STATE OFFICE BUILDING
DES MOINES, IOWA

TABLE OF CONTENTS

Call to Order-----	1
Members Present-----	1
Members Absent-----	1
Adoption of Agenda-----	1
APPROVED AS PRESENTED-----	1
Approval of Minutes-----	1
APPROVED AS PRESENTED-----	1
Director's Report-----	1
Financial Status Report - YTD Division Expenditures-----	2
INFORMATIONAL ONLY-----	7
Final Rule--Chapter 213, Packaging - Heavy Metal Content-----	7
RULE REMOVED FROM TABLE-----	7
APPROVED AS PRESENTED-----	13
Monthly Reports-----	13
INFORMATIONAL ONLY-----	28
Public Participation-----	28
Proposed Rule--Chapter 22, Sulfur Dioxide Emission Offsets in Muscatine-----	28
INFORMATIONAL ONLY-----	30
Proposed Rule--Chapter 23, Training Fires-----	30
INFORMATIONAL ONLY-----	31
Notice of Intended Action--Chapter 22, Air Construction Permit Exemptions-----	32
APPROVED AS PRESENTED-----	34
Proposed Rule--Chapter 61, Water Quality Standards - Antidegradation Policy-----	34
INFORMATIONAL ONLY-----	35
Final Rule--Chapter 61, Water Quality Standards Stream Use Designation - Phase V-----	35
DELAYED TO FOLLOW NEXT ITEM-----	39
City of Winthrop Wastewater Treatment Facility and Receiving Stream-----	39
George TeKippe-----	40
MOTION FAILED-----	42

MOTION FAILED-----	43
APPROVED WITH STIPULATION FOR A COST/BENEFIT STUDY-----	43
Proposed Rule--Chapter 72, Floodplain Development, Protected Streams-----	44
Doug Smalley-----	45
INFORMATIONAL ONLY-----	45
Contested Case Decision Appeal--Harlan and Elaine Pruess-----	45
PRUESS CASE REMOVED FROM THE TABLE-----	46
ALJ DECISION AFFIRMED WITH AMENDMENTS-----	48
Next Meeting Dates-----	48
Adjournment-----	49

MEETING MINUTES

CALL TO ORDER

The meeting of the Environmental Protection Commission was called to order by Chairperson Hartsuck at 10:00 a.m. on Monday, June 21, 1993, in the Wallace State Office Building, Des Moines, Iowa.

MEMBERS PRESENT

Verlon Britt
William Ehm
Richard Hartsuck, Chairperson
Rozanne King
Charlotte Mohr
Gary Priebe
Nancylee Siebenmann, Secretary
Clark Yeager, Vice Chairperson

MEMBERS ABSENT

Margaret Prahll

Director Wilson stated that Margaret Prahll cannot attend the meeting.

ADOPTION OF AGENDA

Motion was made by Charlotte Mohr to approve the agenda as presented. Seconded by Rozanne King. Motion carried unanimously.

APPROVED AS PRESENTED

APPROVAL OF MINUTES

Motion was made by Rozanne King to approve the meeting minutes of May 17, 1993, as presented. Seconded by Verlon Britt. Motion carried unanimously.

APPROVED AS PRESENTED

DIRECTOR'S REPORT

June 1993

Environmental Protection Commission Minutes

Larry Wilson, Director, reviewed plans for the Commission's tour of Swan Lake State Park this evening and the Carroll County Solid Waste Commission's recycling center tomorrow.

Director Wilson reported on Toxic Cleanup Days held in 8 counties last spring and noted the total cost was \$216,000, of which \$179,000 was paid by the state. He related that it continues to be a very popular activity for the department and the counties that participate.

Charlotte Mohr asked about development of permanent regional TCD sites.

Teresa Hay stated that rules are completed for permanent regional sites. Requests for proposals were issued to the counties with an application deadline today.

FINANCIAL STATUS REPORT - YTD DIVISION EXPENDITURES

Stan Kuhn, Division Administrator, Administrative Services Division, presented the following item.

Two budget related items are attached for Commission review and information.

The division-level YTD expenditure status report is attached, and shows expenditure status as of May 31, 1993 compared to 11/12ths of the FY93 budget.

Also attached is an initial schedule of DNR fiscal resources available for the FY94 budget. Of primary interest are the General Fund operating appropriations. As shown, these appropriations include the salary adjustments necessary to fund the FY94 pay plan. Most of the reduction, as compared to FY93 appropriations, relates to staffing reductions.

The estimated 6/30 balances shown relate to funds that are carried forward and are available for specific purposes as detailed in State or Federal regulations. Both "available" balances and receipt estimates are preliminary in nature, and significant adjustments can be expected as work on the FY94 budget and FY95 request proceeds this summer and fall.

As budget work proceeds the staff will present related financial schedules and issues during the next few months. Commissioners are urged to make known their concerns related to the FY95 budget request as early as possible so those issues can be reflected appropriately in the request.

JNR00103		IOWA DEPARTMENT OF NATURAL RESOURCES SUMMARY OF EXPENDITURES VS. YEAR-TO-DATE PLAN AS OF 05/31/93				PAGE 1
	TOTAL EXPENDITURES 05/01/93 - 05/31/93	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET	
1000 DIRECTOR'S OFFICE						
101 PERSONAL SERVICES						
202 IN-STATE TRAVEL	26,033.02	904,856.35	935,927.00	31,069.00-	1,021,017.00	
203 STATE VEHICLE OPERATION	3,002.96	26,005.81	48,717.00	22,711.00-	53,150.00	
204 STATE VEHICLE DEPRECIATIO	173.24	4,660.95	7,270.00	2,609.00-	7,931.00	
205 OUT-STATE TRAVEL	0.00	8,550.00	11,411.00	4,861.00-	12,450.00	
301 OFFICE SUPPLIES	240.94	8,813.57	7,780.00	977.00-	8,500.00	
302 FACILITY MAINTENANCE SUPP	1,275.08	64,770.42	77,043.00	12,272.00-	84,050.00	
303 EQUIPMENT MAINTENANCE SUP	0.00	157.21	1,832.00	1,674.00-	2,000.00	
308 OTHER SUPPLIES	477.08	3,447.75	6,278.00	2,830.00-	6,850.00	
309 PRINTING & BINDING	2,882.58	26,094.34	59,608.00	2,826.00-	65,030.00	
312 UNIFORMS & RELATED ITEMS	29,955.74	203,487.03	241,853.00	38,365.00-	263,843.00	
401 COMMUNICATIONS	126.87	457.20	550.00	92.00-	600.00	
402 RENTALS	2,791.43	17,438.49	26,786.00	9,347.00-	29,200.00	
403 UTILITIES	62.50	287.50	450.00	162.00-	500.00	
405 PROF & SCIENTIFIC SERVICE	9.58	144.05	687.00	542.00-	750.00	
406 OUTSIDE SERVICES	4,123.51	13,334.93	44,182.00	30,847.00-	48,200.00	
410 DATA PROCESSING	2,690.00	22,386.54	21,083.00	1,303.00-	23,000.00	
414 REIMBURSEMENTS TO OTHER A	0.00	6,457.20	17,328.00	5,871.00-	13,450.00	
501 EQUIPMENT	236.76	893.00	206.00	687.00	225.00	
602 OTHER EXPENSES & OBLIGATI	3,798.54	18,051.78	13,190.00	2,854.00-	14,400.00	
621 BACK PAY INTEREST	55.00	367.00	0.00	367.00	0.00	
	0.00	359.37	0.00	359.00	0.00	
DIVISION TOTAL	127,033.83	1,325,917.95	1,517,187.00	191,269.00-	1,659,146.00	

Environmental Protection Commission Minutes

June 1993

JOB00C103

IOWA DEPARTMENT OF NATURAL RESOURCES SUMMARY OF EXPENDITURES VS. YEAR-TO-DATE PLAN AS OF 05/31/93

PAGE 2

	TOTAL EXPENDITURES 05/01/93 - 05/31/93	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
3000 ADMINISTRATIVE SERVICES DIV.					
101 PERSONAL SERVICES	273,397.60	3,479,504.53	2,728,982.00	249,477.00-	4,067,986.00
202 IN-STATE TRAVEL	3,765.32	27,655.26	46,014.00	18,359.00-	50,200.00
203 STATE VEHICLE OPERATION	599.00	39,893.22	55,458.00	15,566.00-	60,500.00
204 STATE VEHICLE DEPRECIATIO	0.00	59,305.00	68,016.00	8,711.00-	74,200.00
205 OUT-STATE TRAVEL	941.32	3,087.39	2,107.00	980.00	2,300.00
301 OFFICE SUPPLIES	22,866.79	277,833.37	295,255.00	17,322.00-	322,100.00
302 FACILITY MAINTENANCE SUPP	299.77	12,735.12	28,416.00	15,681.00-	31,000.00
303 EQUIPMENT MAINTENANCE SUP	5,451.66	57,347.78	44,456.00	12,892.00-	48,500.00
308 OTHER SUPPLIES	2,444.66	15,565.31	12,556.00	3,009.00-	13,700.00
309 PRINTING & BINDING	2,269.55	16,025.40	12,372.00	3,654.00-	13,500.00
312 UNIFORMS & RELATED ITEMS	0.00	366.99	1,833.00	1,466.00-	2,000.00
401 COMMUNICATIONS	3,421.05	62,394.91	85,341.00	22,944.00-	93,100.00
402 RENTALS	0.00	128.25	458.00	330.00-	500.00
406 OUTSIDE SERVICES	31,580.94	38,629.50	36,114.00	2,514.00	39,400.00
410 DATA PROCESSING	29,779.86	167,248.02	98,540.00	68,708.00-	107,500.00
412 AUDITOR OF STATE REIMBURS	13,603.33	95,734.09	137,500.00	41,766.00-	150,000.00
414 REIMBURSEMENTS TO OTHER A	1,785.54	106,632.76	39,872.00	66,761.00-	43,500.00
501 EQUIPMENT	25,810.83	172,948.13	195,706.00	22,758.00-	213,500.00
602 OTHER EXPENSES & OBLIGATI	0.00	456,307.24	687,506.00	231,199.00-	750,000.00
621 BACK PAY INTEREST	0.00	2,177.27	0.00	2,178.00	0.00
DIVISION TOTAL	418,017.33	5,091,619.64	5,576,502.00	484,884.00-	6,083,493.00

JOB00C103

IOWA DEPARTMENT OF NATURAL RESOURCES SUMMARY OF EXPENDITURES VS. YEAR-TO-DATE PLAN AS OF 05/31/93

PAGE 3

	TOTAL EXPENDITURES 05/01/93 - 05/31/93	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
4000 PARKS, PRES. & RECREATION DIV.					
101 PERSONAL SERVICES	445,704.04	4,926,190.60	5,222,399.00	296,207.00-	5,697,167.00
202 IN-STATE TRAVEL	3,916.36	34,090.47	63,475.00	29,386.00-	69,250.00
203 STATE VEHICLE OPERATION	884.07	162,803.65	183,579.00	20,775.00-	200,270.00
204 STATE VEHICLE DEPRECIATIO	0.00	243,155.00	263,449.00	20,294.00-	287,400.00
205 OUT-STATE TRAVEL	0.00	3,040.64	7,195.00	4,153.00-	7,650.00
301 OFFICE SUPPLIES	1,829.38	32,652.47	41,888.00	9,237.00-	45,700.00
302 FACILITY MAINTENANCE SUPP	44,395.22	373,525.07	421,938.00	48,413.00-	460,300.00
303 EQUIPMENT MAINTENANCE SUP	36,564.49	224,988.91	266,191.00	41,203.00-	290,750.00
307 AG. CONSERVATION & HORT S	1,098.83	5,115.82	19,705.00	14,589.00-	21,500.00
308 OTHER SUPPLIES	4,057.97	40,625.95	35,132.00	4,494.00-	42,500.00
309 PRINTING & BINDING	12,561.26	29,701.20	31,621.00	1,920.00-	34,500.00
312 UNIFORMS & RELATED ITEMS	6,285.10	9,745.49	47,299.00	37,554.00-	51,602.00
401 COMMUNICATIONS	11,675.41	75,359.73	96,249.00	20,890.00-	105,002.00
402 RENTALS	1,305.91	23,289.27	27,362.00	4,073.00-	29,850.00
403 UTILITIES	26,332.14	32,544.93	349,203.00	316,658.00-	380,951.00
405 PROF & SCIENTIFIC SERVICE	0.00	31,771.72	76,317.00	44,546.00-	83,911.00
406 OUTSIDE SERVICES	18,109.34	146,220.75	169,904.00	23,684.00-	185,352.00
408 ADVERTISING & PUBLICITY	14.30	1,211.84	1,878.00	667.00-	2,050.00
410 DATA PROCESSING	0.00	2,650.73	9,165.00	6,514.00-	10,000.00
414 REIMBURSEMENTS TO OTHER A	1,053.92	3,190.13	1,602.00	1,588.00-	1,750.00
501 EQUIPMENT	7,341.97	159,646.38	117,331.00	42,316.00-	178,000.00
602 OTHER EXPENSES & OBLIGATI	0.00	3,530.65	1,933.00	1,600.00-	2,000.00
621 BACK PAY INTEREST	0.00	365.53	0.00	366.00	0.00
701 LICENSES	90.00	215.00	455.00	240.00-	498.00
DIVISION TOTAL	623,918.75	6,864,643.07	7,460,103.00	595,462.00-	8,128,347.00

JOB00C103

IOWA DEPARTMENT OF NATURAL RESOURCES SUMMARY OF EXPENDITURES VS. YEAR-TO-DATE PLAN AS OF 05/31/93

PAGE 4

	TOTAL EXPENDITURES 05/01/93 - 05/31/93	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
5000 FORESTRY DIVISION					
101 PERSONAL SERVICES	156,287.39	1,633,267.02	1,773,270.00	140,003.00-	1,934,486.00
202 IN-STATE TRAVEL	3,693.04	33,622.98	36,642.00	3,019.00-	40,000.00
203 STATE VEHICLE OPERATION	0.00	66,118.87	78,372.00	12,253.00-	85,500.00
204 STATE VEHICLE DEPRECIATIO	0.00	110,505.00	132,108.00	21,603.00-	144,120.00
205 OUT-STATE TRAVEL	165.00	1,670.38	4,582.00	2,912.00-	5,000.00
301 OFFICE SUPPLIES	4,402.68	19,109.75	20,623.00	1,513.00-	22,500.00
302 FACILITY MAINTENANCE SUPP	3,372.78	33,556.51	35,747.00	2,191.00-	39,000.00
303 EQUIPMENT MAINTENANCE SUP	6,175.64	38,974.14	53,623.00	14,649.00-	56,500.00
304 PROF. & SCIENTIFIC SUPPL	0.00	486.30	0.00	486.00	0.00
307 AG. CONSERVATION & HORT S	14,667.65	116,288.03	81,327.00	34,961.00-	86,722.00
308 OTHER SUPPLIES	2,231.30	31,323.07	44,456.00	13,133.00-	48,500.00
309 PRINTING & BINDING	1,752.65	7,269.25	14,299.00	7,030.00-	15,600.00
312 UNIFORMS & RELATED ITEMS	559.41	4,987.67	16,014.00	11,026.00-	17,475.00
401 COMMUNICATIONS	2,627.30	27,785.38	36,114.00	8,329.00-	39,400.00
402 RENTALS	5,697.14	23,026.35	33,916.00	10,889.00-	37,000.00
403 UTILITIES	3,347.53	26,489.35	29,148.00	2,659.00-	31,800.00
405 PROF & SCIENTIFIC SERVICE	0.00	3,120.75	0.00	3,121.00	0.00
406 OUTSIDE SERVICES	20,536.68	64,431.43	38,041.00	26,390.00-	41,500.00
408 ADVERTISING & PUBLICITY	0.00	922.51	916.00	6.00	1,000.00
410 DATA PROCESSING	0.00	1,476.26	1,465.00	11.00	1,600.00
414 REIMBURSEMENTS TO OTHER A	386.00	746.00	275.00	471.00-	300.00
501 EQUIPMENT	10,568.99	55,249.57	80,406.00	25,157.00-	87,710.00
602 OTHER EXPENSES & OBLIGATI	0.00	18.32	0.00	18.00	0.00
621 BACK PAY INTEREST	0.00	389.00	0.00	389.00	0.00
DIVISION TOTAL	236,469.39	2,300,833.89	2,511,364.00	210,532.00-	2,739,717.00

E93Jun-3

June 1993

Environmental Protection Commission Minutes

J080C103

IOWA DEPARTMENT OF NATURAL RESOURCES
SUMMARY OF EXPENDITURES VS. YEAR-TO-DATE PLAN
AS OF 05/31/93

PAGE 5

	TOTAL EXPENDITURES 05/01/93 - 05/31/93	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
6000 ENERGY & GEOLOGICAL RESOURCES					
101 PERSONAL SERVICES	170,433.26	2,186,894.03	2,250,537.00	63,643.00-	1,455,144.00
202 IN-STATE TRAVEL	2,268.72	21,092.86	34,951.00	13,858.00-	38,139.00
203 STATE VEHICLE OPERATION	- 0.00	17,256.63	21,677.00	4,421.00-	23,660.00
204 STATE VEHICLE DEPRECIATIO	0.00	23,910.00	30,772.00	6,862.00-	33,570.00
205 OUT-STATE TRAVEL	1,987.45	21,757.01	25,752.00	3,995.00-	28,100.00
301 OFFICE SUPPLIES	823.62	26,780.27	13,925.00	12,856.00	15,199.00
302 FACILITY MAINTENANCE SUPP	136.65	233.62	3,987.00	3,753.00-	4,350.00
303 EQUIPMENT MAINTENANCE SUP	282.04	7,345.70	15,719.00	8,373.00-	17,150.00
304 PROF. & SCIENTIFIC SUPPL	0.00	416.02	1,099.00	684.00-	1,200.00
308 OTHER SUPPLIES	2,191.00	26,090.14	34,150.00	8,059.00-	37,259.00
309 PRINTING & BINDING	1,141.10	12,028.07	41,885.00	29,856.00-	45,700.00
401 COMMUNICATIONS	1,736.51	27,743.62	30,934.00	3,190.00-	33,750.00
402 RENTALS	280.00	1,580.00	2,200.00	620.00-	2,400.00
403 UTILITIES	2,316.74	15,830.01	11,659.00	4,171.00	12,720.00
405 PROF & SCIENTIFIC SERVICE	161,684.13	484,093.31	774,933.00	290,738.00-	645,276.00
406 OUTSIDE SERVICES	6,824.27	20,503.85	18,275.00	2,227.00	19,945.00
410 DATA PROCESSING	0.00	11,612.06	15,214.00	3,602.00-	16,600.00
414 REIMBURSEMENTS TO OTHER A	3,164.96	8,708.12	5,422.00	3,287.00	5,320.00
501 EQUIPMENT	2,199.59	54,099.58	74,621.00	20,521.00-	81,410.00
602 OTHER EXPENSES & OBLIGATI	0.00	6,723.00	0.00	6,723.00	0.00
621 BACK PAY INTEREST	0.00	477.82	0.00	479.00	0.00
DIVISION TOTAL	365,470.26	2,975,175.72	3,407,612.00	432,432.00-	3,717,482.00

J080C103

IOWA DEPARTMENT OF NATURAL RESOURCES
SUMMARY OF EXPENDITURES VS. YEAR-TO-DATE PLAN
AS OF 05/31/93

PAGE 6

	TOTAL EXPENDITURES 05/01/93 - 05/31/93	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
7000 ENVIRONMENTAL PROTECTION DIV.					
101 PERSONAL SERVICES	564,639.88	6,615,646.49	6,995,582.00	379,936.00-	7,531,564.00
202 IN-STATE TRAVEL	4,916.69	42,447.23	107,262.00	64,815.00-	117,020.00
203 STATE VEHICLE OPERATION	0.00	33,495.69	51,791.00	18,296.00-	56,500.00
204 STATE VEHICLE DEPRECIATIO	0.00	51,010.00	59,583.00	8,573.00-	65,000.00
205 OUT-STATE TRAVEL	6,320.46	41,642.12	97,618.00	55,977.00-	106,500.00
301 OFFICE SUPPLIES	10,278.56	65,204.65	63,698.00	1,505.00	59,500.00
302 FACILITY MAINTENANCE SUPP	9.65	11,602.06	1,466.00	10,136.00	1,600.00
303 EQUIPMENT MAINTENANCE SUP	142.43	7,431.86	7,514.00	82.00-	37,950.00
308 OTHER SUPPLIES	4,380.32	22,472.88	24,781.00	12,306.00-	59,740.00
309 PRINTING & BINDING	5,307.25	57,902.85	54,752.00	3,150.00	59,740.00
312 UNIFORMS & RELATED ITEMS	235.65	1,150.17	2,290.00	1,140.00-	2,500.00
401 COMMUNICATIONS	2,666.28	106,691.68	126,344.00	19,652.00-	137,836.00
402 RENTALS	4,403.01	45,969.29	55,458.00	9,489.00-	60,500.00
403 UTILITIES	1,844.82	15,167.81	16,173.00	1,005.00-	17,645.00
405 PROF & SCIENTIFIC SERVICE	98,529.13	705,037.50	1,586,648.00	881,611.00-	1,730,895.00
406 OUTSIDE SERVICES	9,247.08	70,536.23	63,015.00	7,522.00	68,750.00
408 ADVERTISING & PUBLICITY	424.51	3,140.52	9,348.00	6,208.00-	19,200.00
410 DATA PROCESSING	0.00	119,126.37	150,455.00	31,327.00-	164,140.00
414 REIMBURSEMENTS TO OTHER A	6,770.07	19,033.99	22,526.00	3,491.00-	24,580.00
501 EQUIPMENT	19,551.85	317,711.29	239,781.00	77,931.00	261,587.00
602 OTHER EXPENSES & OBLIGATI	0.00	11,785.14	2,932.00	8,853.00	3,200.00
621 BACK PAY INTEREST	0.00	695.08	0.00	697.00	0.00
DIVISION TOTAL	737,617.64	8,364,902.04	9,749,017.00	1,384,114.00-	10,635,407.00

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IOWA DEPARTMENT OF NATURAL RESOURCES
SUMMARY OF EXPENDITURES VS. YEAR-TO-DATE PLAN
AS OF 05/31/93

PAGE 7

	TOTAL EXPENDITURES 05/01/93 - 05/31/93	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
8000 FISH AND WILDLIFE DIVISION					
101 PERSONAL SERVICES	920,629.06	11,216,948.39	11,354,616.00	137,667.00-	12,386,876.00
202 IN-STATE TRAVEL	27,617.26	276,116.55	289,070.00	12,953.00-	315,362.00
203 STATE VEHICLE OPERATION	1,537.52	403,785.28	418,976.00	15,188.00-	457,070.00
204 STATE VEHICLE DEPRECIATIO	0.00	572,785.00	670,428.00	97,643.00-	7,1387.00
205 OUT-STATE TRAVEL	4,625.12	32,512.23	26,582.00	5,932.00	29,000.00
301 OFFICE SUPPLIES	16,553.20	269,990.96	189,181.00	80,809.00	206,370.00
302 FACILITY MAINTENANCE SUPP	22,173.84	211,357.48	290,223.00	78,865.00-	316,694.00
303 EQUIPMENT MAINTENANCE SUP	28,977.79	282,482.54	314,882.00	32,401.00-	343,527.00
307 AG. CONSERVATION & HORT S	40,812.44	196,394.03	291,370.00	94,976.00-	317,870.00
308 OTHER SUPPLIES	11,233.07	97,831.12	76,192.00	21,639.00	83,137.00
309 PRINTING & BINDING	15,422.02	107,207.24	116,143.00	8,935.00-	126,706.00
312 UNIFORMS & RELATED ITEMS	14,140.08	63,084.98	115,228.00	52,147.00-	125,721.00
401 COMMUNICATIONS	10,381.29	170,746.03	164,031.00	6,715.00	178,955.00
402 RENTALS	740.25	47,056.26	55,354.00	8,297.00-	60,582.00
403 UTILITIES	14,795.71	188,864.65	201,998.00	13,132.00-	220,370.00
405 PROF & SCIENTIFIC SERVICE	11,440.00	95,289.74	100,832.00	5,542.00-	110,000.00
406 OUTSIDE SERVICES	7,701.99	101,779.79	120,971.00	19,193.00	131,980.00
408 ADVERTISING & PUBLICITY	22,657.28	25,367.44	12,465.00	12,903.00	13,800.00
410 DATA PROCESSING	0.00	48,108.82	37,765.00	10,344.00	41,200.00
414 REIMBURSEMENTS TO OTHER A	16,681.10	42,135.64	147,076.00	104,941.00-	160,450.00
501 EQUIPMENT	19,100.29	388,379.33	313,984.00	74,395.00	342,545.00
602 OTHER EXPENSES & OBLIGATI	0.00	1,649.21	188,466.00	186,817.00-	205,800.00
621 BACK PAY INTEREST	0.00	5,159.68	0.00	5,159.00	0.00
701 LICENSES	0.00	575.00	275.00	300.00	300.00
DIVISION TOTAL	1,207,199.32	14,845,603.50	15,496,266.00	650,660.00-	16,905,251.00

E93Jun-4

Environmental Protection Commission Minutes

J080C103

June 1993

IOWA DEPARTMENT OF NATURAL RESOURCES SUMMARY OF EXPENDITURES VS. YEAR-TO-DATE PLAN AS OF 05/31/93

PAGE 8

	TOTAL EXPENDITURES 05/01/93 - 05/31/93	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
9000 WASTE MANAGEMENT AUTHORITY					
101 PERSONAL SERVICES	56,253.51	598,507.63	666,063.00	67,555.00-	726,616.00
202 IN-STATE TRAVEL	3,453.68	20,278.42	28,964.00	8,685.00-	31,600.00
205 OUT-STATE TRAVEL	1,318.03	12,877.79	20,623.00	7,746.00-	22,500.00
301 OFFICE SUPPLIES	7,297.07	9,364.37	7,250.00	2,114.00	7,910.00
302 FACILITY MAINTENANCE SUPP	0.00	752.94	247.00	506.00	270.00
303 EQUIPMENT MAINTENANCE SUP	0.00	364.25	229.00	135.00	250.00
308 OTHER SUPPLIES	63.97	8,065.19	14,435.00	6,371.00-	15,746.00
309 PRINTING & BINDING	3,192.15	19,339.05	59,581.00	40,241.00-	55,000.00
401 COMMUNICATIONS	10.07	17,939.79	22,598.00	4,658.00-	24,655.00
405 PROF & SCIENTIFIC SERVICE	0.00	16,454.07	163,996.00	45,541.00-	178,907.00
406 OUTSIDE SERVICES	2,339.50	11,662.95	4,727.00	6,936.00	5,180.00
410 DATA PROCESSING	0.00	3,305.74	6,856.00	3,551.00-	7,400.00
414 REIMBURSEMENTS TO OTHER A	3,235.02	11,628.22	16,637.00	5,008.00-	18,150.00
501 EQUIPMENT	0.00	25,276.39	31,724.00	6,448.00-	34,610.00
602 OTHER EXPENSES & OBLIGATI	0.00	4,965.00	4,124.00	861.00	4,500.00
621 BACK PAY INTEREST	0.00	75.42	0.00	76.00	0.00
DIVISION TOTAL	77,163.00	862,877.22	1,048,054.00	185,176.00-	1,143,359.00

DNR FISCAL RESOURCES History and Estimates

	Actual FY91	Actual FY92	Actual/Est FY93	Est. Bal. 6/30/93	Estimated FY94
General Fund Operations:					
Admin. Support			2,119,447		1,878,345
Parks, Preserves			5,471,961		5,425,534
Forests & Forestry			1,443,010		1,443,686
Energy & Geology			1,656,091		1,660,690
Env. Protection			2,092,656		2,083,787
General Fund Operations:	13,245,891	11,510,746	12,783,165		12,492,032
Fish & Wildlife Receipts:					
Interest	343,874	382,855	275,000		275,000
Licenses, General	11,519,320	13,068,874	14,000,000		14,888,000
Habitat & Waterfowl Stamps	1,505,315	1,432,726	1,500,000		1,500,000
Turkey Trade	278,000	166,500	175,000		175,000
Land Mngt Income	315,804	441,376	296,800		296,800
Non-Game Checkoff	180,444	175,907	180,000		180,000
Liquidated Damages	69,596	73,600	65,000		65,000
Other	141,077	168,219	150,000		150,000
Total FW Receipts	14,353,430	15,910,057	16,641,800	6,000,000	17,529,800
Transfer to Fish & Wildlife:					
Marine Fuel Tax	150,000	143,843			
Boat Fees	1,000,000	950,000	950,000		950,000
Snowmobile Fees	150,000	100,000	100,000		100,000
Total FW Transfers	1,300,000	1,193,843	1,050,000		1,050,000
Park and Forestry Receipts:					
Camping, Concessions, Etc.	1,258,908	1,508,652	1,540,000		1,600,000
Leases & Royalties	273,074	302,853	300,000		300,000
Cedar Rock Support	94,970	102,119	105,000		110,000
MFT Transfer	400,000	435,375	411,311		411,311
Nursery Stock	684,540	727,887	650,000		750,000
Other	149,743	160,430	200,000		200,000
Total Parks & Forestry	2,861,235	3,237,116	3,206,311		3,371,311
Administrative Receipts:					
Education Center Fees	67,449	70,399			
Sale of Publications	266,056	188,564	200,000		250,000
Copy Fees & Misc.	74,263	59,379	45,000		50,000
Reap 1% Transfer	210,452	105,546	85,528		70,000
Total Admin Fees	618,220	423,888	330,528		370,000

E93Jun-5

Federal Reimbursements:

EPA Related	6,637,095	7,326,914	7,500,000	10,000,000	7,500,000
Fish & Wildlife (PR, DJ)	5,657,727	4,886,622	4,800,000	5,000,000	5,000,000
Agriculture (Forestry)	503,792	1,270,900	1,400,000		1,400,000
Coast Guard (Boat Safety)	490,754	463,409	555,060		450,000
Parks (LAWCON)	596,651	283,310	412,291		400,000
Energy	304,072	264,999	214,377		225,000
Geological Survey	3,294	63,045	63,807		63,000
FEMA (Disaster Assistance)	104,607	155,039	45,561		200,000
NASA	15,080	27,176	840		
Total Federal	14,313,072	14,741,414	14,991,956	15,000,000	15,238,000

Groundwater Fund:

Storage Tank Account	801,664	728,193	750,000	50,000	750,000
GW Oil Overcharge Account	2,700,000	2,080,000	345,000	550,000	
Household Hazardous Waste	427,422	354,146	1,284,185	1,200,000	400,000
Ag Management Account	3,194,063	3,101,690	3,256,750	2,000,000	32,600,000
Solid Waste Account	4,637,526	6,082,768	5,767,354	5,000,000	5,500,000
Total Groundwater	11,760,675	12,346,797	11,403,289	8,800,000	38,500,000

Corps Reservoirs, Cond. Five:

Red Rock	15,867	72,752	175,000	300,000	150,000
Rathbun	14,370	18,130	22,000	8,000	20,000
Coralville	11,280	12,392	44,600	35,000	15,000
Saylorville	20,108	16,074	75,000	55,000	25,000
Des Moines River	13,797	8,759	14,000	15,000	10,000
Missouri	9,809	5,282	7,600	26,000	7,600
Total Condition Five	85,231	133,389	338,200	439,000	227,600

Oil Overcharge Accounts:

Diamond Shamrock	17,785	18,087	10,110	270,000	5,000
Stripper Wells	2,454,665	2,983,931	2,126,000	6,200,000	500,000
Exxon	994,636	754,239	303,000	5,500,000	50,000
Wamer	231,753	250			
Total Oil Overcharge	3,698,839	3,756,507	2,439,110	11,970,000	555,000

Boat Fees	1,972,346	440,689	1,950,000	1,100,000	450,000
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Snowmobile Fees	500,360	74,891	506,000	200,000	75,000
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ATV Fees	46,793	16,985	42,000	90,000	17,000
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Geology Receipts (Maps, Etc)	47,498	41,943	30,000		30,000
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Hazardous Waste Rem. Fund	153,941	1,118,808	250,000	1,090,000	250,000
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Energy R&D Fund	220,867				
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Emergency Response Fund	34,050	60,150	100,000	160,000	75,000
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REAP Fund	21,547,192	11,088,624	8,547,275	10,000,000	7,000,000
Waste Volume Reduction Fund	109,426	109,252	109,371	330,000	109,000
Air Toxics Fees Fund		632,018	600,000	500,000	600,000
GW Professional Reg. Fees		59,600	16,400	40,000	20,000
Storm Water Permit Fees			830,000	700,000	830,000
Well Driller Certification Fees			50,000	37,000	20,000
Lab Certification Fees			9,500	2,000	30,000
MFT Capitals	1,600,000	1,600,000	1,600,000	700,000	1,650,000
Blackhawk Dredging (G. F.)			397,780	397,780	
Green Thumb (General Fund)	230,500	245,745	129,279		
USGS Coop (General Fund)	185,983	178,350			
Pilot Grove Trust Account	1,200	1,300	1,500	24,000	1,600

Notes: This schedule is a draft summary of fiscal resources available to the DNR for the FY94 budget. Many of the "available balances" and receipt estimates will be reviewed and updated this summer as work on the FY94 budget and FY95 request continue. The intent of providing this schedule is to give both commissioners and staff a summary of available resources as work continues on the FY94 budget and FY95 request.

Amounts shown in the "available balances" column are subject to constraints in related State or federal regulations, or have already been obligated for specific grants.

Page 3

Mr. Kuhn gave a detailed explanation of the budget, equipment purchases, and future budget forecast. He asked the Commissioners to let him know of their concerns in regards to the FY 94 budget and FY 95 budget request.

INFORMATIONAL ONLY

FINAL RULE--CHAPTER 213, PACKAGING - HEAVY METAL CONTENT

Motion was made by Charlotte Mohr to remove Final Rule--Chapter 213, Packaging-Heavy Metal Content from the table. Seconded by Nancylee Siebenmann. Motion carried unanimously.

RULE REMOVED FROM TABLE

Teresa Hay, Division Administrator, Waste Management Assistance Division, presented the following item.

The Commission is requested to approve proposed administrative rules relating to Packaging -- Heavy Metal Content. This new chapter 213 provides rule guidelines designed to reduce toxicity of packaging waste by eliminating the addition of heavy metals such as lead, cadmium, mercury, and hexavalent chromium in packaging and packaging components.

Per the Commission's directions at their May 17, 1993 meeting, the following changes have been made: Under section 567-213.3 (455D) the definition of incidental presence has been changed to conform more closely with Iowa Code section 455D.19 and under 567-213.6 (5) the 60 day period that the manufacturer shall not utilize the claimed exemption has been omitted.

The proposed rules :

- Require a manufacturer, or distributor not to offer for sale or sell, or offer for promotional purposes, a package or packaging component in this state, which includes inks, dyes, pigments, adhesives, stabilizers or any other additives, any heavy metal which has been intentionally introduced as an element during manufacturing or distribution.(Effective July 1, 1992).
- Limit the sum of the concentration levels of lead, cadmium, mercury, and hexavalent chromium present in a package or packaging component not to exceed the following:
 - a. Effective July 1, 1992, 600 parts per million by weight, or 0.06%.
 - b. Effective July 1, 1993, 250 parts per million by weight, or 0.025.
 - c. Effective July 1, 1994, 100 parts per million by weight, or 0.01%.
- No material used to replace heavy metals in a package or packaging component may be used in a quantity or manner that creates a hazard as great or greater than the hazard created by heavy metals.
- Require a manufacturer or distributor to make available to purchaser, to the department, and to the public upon request certificate of compliance conforming to the requirements of this rule.

CHAPTER 213 PACKAGING -- HEAVY METAL CONTENT

567--213.1(455D) Purpose. The purpose of this chapter is to implement the provisions of Iowa Code section 455D.19, which seeks to reduce toxicity of packaging waste to eliminate the addition of heavy metals such as lead, mercury, cadmium, and hexavalent chromium in packaging and packaging components.

567--213.2(455D) Applicability. This chapter applies to manufacturers and distributors of packaging and packaging materials offered for sale or for promotional purposes in the state.

567--213.3(455D) Definitions. The following terms, as used in this chapter, shall have the following meanings:

"Department" means the Department of Natural Resources as created under Iowa Code Section 455 A.2.

"Distributor" means a person who takes title to products or packaging purchased for resale.

"Incidental presence" means that these elements were not intentionally introduced during manufacturing or distribution and are below the concentration levels established by the department in subrule 213.4(3).

"Manufacturer" means a person who offers for sale or who sells products or packaging to a distributor.

"Offer for promotional purposes" means any transfer of title or possession, or both, of packaging or products in packaging without consideration.

"Offer for sale" means any transfer of title or possession, or both, exchange, barter, lease, rental, conditional or otherwise, of packaging or products in packaging for a consideration in any manner or any means whatsoever.

"Package" means a container which provides a means of marketing, protecting, or handling a product, including a unit package, an intermediate package, or a shipping container. Package also includes, but is not limited to, unsealed receptacles, such as carrying cases, crates, cups, pails, rigid foil and other trays, wrappers and wrapping films, bags, and tubs.

"Packaging component" means any individual assembled part of a package, including, but not limited to, interior and exterior blocking, bracing, cushioning, weatherproofing, exterior strapping, coatings, closures, inks, or labels.

"Tin-plated steel" means a material that meets the American Society for Testing and Materials (ASTM) specification A-623 and shall be considered as a single package component.

567--213.4(455D) Prohibition - schedule for removal of incidental amounts.

213.4(1) Prohibition of packaging. Effective July 1, 1992, a manufacturer or distributor shall not offer for sale or sell, or offer for promotional purposes, a package or packaging component in this state, which includes in the package itself or in any packaging component inks, dyes, pigments, adhesives, stabilizers or any other additives, any lead, cadmium, mercury, or hexavalent chromium which has been intentionally introduced as an element during manufacturing or distribution. This prohibition does not apply to the incidental presence of any of these elements. In addition, this prohibition does not apply to any refillable glass and ceramic package or packaging component that is managed under a comprehensive system resulting in reuse and where the lead and cadmium from the component do not exceed the Toxicity Characteristic Leachability Procedures (TCLP) of leachability of lead and cadmium as set forth by U.S. EPA.

213.4(2) Prohibition of sale of product in packaging. Effective July 1, 1992, a manufacturer or distributor shall not offer for sale or sell, or offer for promotional purposes in this state, a product in a package which includes in the package itself or in any of the packaging components inks, dyes, pigments, adhesives, stabilizers or any other additives, any lead, cadmium, mercury, or hexavalent chromium which has been intentionally introduced as an element during manufacturing or distribution. This prohibition does not apply to the incidental presence of any of these elements. In addition, this prohibition does not apply to any refillable glass and ceramic package or packaging component that is managed under a comprehensive system resulting in reuse and where the lead and cadmium from the component do not exceed the Toxicity Characteristic Leachability Procedures (TCLP) of leachability of lead and cadmium as set forth by U.S. Environmental Protection Agency.

213.4(3) Concentration levels. The sum of the concentration levels of lead, cadmium, mercury, and hexavalent chromium present in a package or packaging component shall not exceed the following:

- a. Effective July 1, 1992, 600 parts per million by weight, or 0.06%.
- b. Effective July 1, 1993, 250 parts per million by weight, or 0.025%.
- c. Effective July 1, 1994, 100 parts per million by weight, or 0.01%.

Concentration levels of lead, cadmium, mercury, and hexavalent chromium shall be determined using American Standard of Testing Materials test methods, as revised, or U.S. Environmental Protection Agency test methods for evaluating solid waste, S-W 846, as revised.

213.4(4) Substitute materials. No material used to replace lead, cadmium, mercury, or hexavalent chromium in a package or packaging component may be used in a quantity or manner that creates a hazard as great or greater than the hazard created by the lead, cadmium, mercury, or hexavalent chromium. The Certificate of Compliance will require an assurance to this effect.

567--213.5(455D) Certification of compliance By July 1, 1992, a manufacturer or distributor of packaging or packaging components shall make available to purchasers, to the Department, and to the general public upon request, certificates of compliance conforming to the requirements of this rule. Certificates provided shall substantially conform with either or both, as applicable, of the following forms:

**1. Reduction of Toxics in Packaging Law
Certificate of Compliance**

We certify that all packaging and packaging components sold to

(Company Name)

or its subsidiaries in the State of Iowa comply with the requirements of this law, namely that the sum of the incidental concentration levels of lead, mercury, cadmium, and hexavalent chromium present in any package or package component shall not exceed the following:

600 Parts Per Million by weight

(Effective July 1, 1992)

250 Parts Per Million by weight

(Effective July 1, 1993)

100 Parts Per Million by weight

(Effective July 1, 1994)

We further certify that in cases where the regulated metals are present at levels less than the schedule stated above, the regulated metals were not intentionally added during the manufacturing process.

We further certify that no material used to replace the regulated metals are present in a quantity or manner that creates a hazard as great or greater than the hazard created by the regulated materials.

We will maintain adequate documentation of this certification for inspection upon request.

Company

Name _____

Address _____

Certified by:

(Name) (Signature)

(Title)

Date: _____

**2. Reduction of Toxics in Packaging Law
Certificate of Compliance - Exemption Status**

We certify that all packaging and packaging components sold to

(Company Name)
or its subsidiaries in the State of Iowa are in compliance with the law. However, certain packages
or packaging components produced by _____ are exempt from
(Company Name)

law for one or more of the following reasons:

Package or packaging components were made or delivered before the law was signed into effect:

(List package
or packaging
component) _____

Package or packaging component contains heavy metals in order to comply with state or federal health and safety requirements or there is no feasible alternative (i.e. the regulated substance is essential to the production, safe handling, or function of the package's contents) :

(List package
or packaging
component) _____

Package or packaging component is made from post-consumer material:

(List package
or packaging
component) _____

Alcoholic beverage bottled prior to effective date:

June 1993

Environmental Protection Commission Minutes

(List package
or packaging
component) _____

We will maintain adequate documentation of this certification for inspection upon request.

Company
Name _____

Address _____

Certified by: _____

(Name)

(Signature)

(Title)

Date: _____

If the manufacturer or distributor of the package or packaging component reformulates or creates a new package or packaging component, the manufacturer or distributor shall provide an amended or new Certificate of Compliance for the reformulated or new package or packaging component.

567--213.6(455D) Exemptions

213.6(1) A manufacturer is entitled to an exemption where:

- a. The package or packaging component has a code indicating a date of manufacture prior to July 1, 1990, or the manufacturer can provide written documentation that the package or packaging component was manufactured prior to July 1, 1990; or
- b. The package or packaging component contains an alcoholic beverage bottled prior to July 1, 1992.

213.6(2) A manufacturer may petition the Department for an exemption for a particular package or packaging component where:

- a. The package or packaging component contains lead, cadmium, mercury, or hexavalent chromium added in the manufacturing, forming, printing, or distribution process in order to comply with health or safety requirements of state or federal law; or
- b. There is no feasible alternative to the use of lead, cadmium, mercury, or hexavalent chromium in the package or packaging component. For the purposes of this section, "no feasible alternative" means a use in which the regulated substance is essential to the protection, safe handling, or function of the package's contents; or
- c. The addition of post consumer materials causes the package or packaging component to exceed the maximum concentration levels set forth in subrule 213.4(3); For a package where all components contain recycled content, the entire package is exempt. However, in the case where one component contains recycled content and the other components do not, only the component containing recycled content would be exempt and not the entire package.

213.6(3) All manufacturers claiming an exemption shall file a Certificate of Compliance with the department conforming to the form set forth in rule 213.5(455D) and stating the specific basis upon which the exemption is requested.

213.6(4) Exemptions under subrule 213.6(1) paragraphs "a" and "b" are effective only so long as those package or packaging components are used. Exemptions under subrule 213.6(2) paragraphs "a" "b" and "c" may be granted for periods of two years. In order to receive an exemption for additional two-year periods, the manufacturer must file an exemption request.

213.6(5) Exemptions are deemed to be approved for maximum times under 567--213.6(4), unless the manufacturer is notified otherwise within 60 days of the Department's receipt of the Certificate of Compliance.

567--213.7(455D) Inspection and penalties

213.7(1).Inspection. The Department may inspect, with the consent of the owner or agent, any property or building to determine compliance with the requirements of this chapter.

213.7(2) Violation. A manufacturer or distributor who does not comply with the requirements of Iowa Code Section 455D.19 is guilty of a simple misdemeanor. Each package or packaging component in violation constitutes the basis of a separate offense.

Ms. Hay reviewed the Commission request for two changes to the rules and expanded on those changes. She related that the new language more closely conforms to the language that is included in the code, but it does not change the meaning of the definition at all. She noted that under 213.6(5), a sentence was removed which referred to the 60-day period the manufactureer could not utilize the claimed exemption

Motion was made by William Ehm to approve Final Rule--Chapter 213, Packaging - Heavey Metal Content. Seconded by Nancylee Siebenmann. Motion carried unanimously.

APPROVED AS PRESENTED

MONTHLY REPORTS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Enforcement Status Report
5. Contested Case Status Report

Members of the department will be present to expand upon these reports and answer questions.

June 1993

Environmental Protection Commission Minutes

IOWA DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
RULEMAKING STATUS REPORT
June 1, 1993

PROPOSAL	NOTICE TO COMMISSION	NOTICE PUBLISHED	RULES REVIEW COMMITTEE	HEARING	FINAL SUMMARY TO COMMISSION	RULES ADOPTED	RULES PUBLISHED	RULE EFFECTIVE
1. Ch. 1 - Conflict of Interest	4/15/93	5/12/93	6/08/93	6/01/93	*7/19/93	*7/19/93	*8/18/93	*9/22/93
2. Ch. 22 - Air Construction Permit Exemptions	6/21/93	*7/07/93	*8/ /93	*8/ /93	*9/20/93	*9/20/93	*10/13/93	*11/17/93
3. Ch. 22 - Sulfur Dioxide Emission Offsets-Muscataine	*7/19/93	*8/18/93	*9/ /93	*9/ /93	*10/18/93	*10/18/93	*11/30/93	*12/15/93
4. Ch. 23 - Training Fires	*7/19/93	*8/18/93	*9/ /93	*9/ /93	*10/18/93	*10/18/93	*11/30/93	*12/15/93
5. Ch. 40-42 - EPA Phase V Drinking Water Standards	4/15/93	5/12/93	6/08/93	6/01/93	*7/19/93	*7/19/93	*8/18/93	*9/22/93
6. Ch. 61 - WQ Standards-Antidegradation Policy	*7/19/93	*8/18/93	*9/ /93	*9/ /93	*10/18/93	*10/18/93	*11/30/93	*12/15/93
7. Ch. 61 - Stream Use Designation - Phase V A. (Action Taken 5/17/93) B. (Portion Delayed)	1/19/93	2/17/93	3/08/93	3/09/93 3/10/93	5/17/93 6/21/93	*5/17/93 *6/21/93	*6/09/93 *7/21/93	*7/14/93 *8/25/93
8. Ch. 72 - Flood Plain Development-Protected Streams	*7/19/93	*8/18/93	*9/ /93	*9/ /93	*10/18/93	*10/18/93	*11/30/93	*12/15/93
9. Ch. 100, 102 - Special Waste Authorizations	3/15/93	4/14/93	5/11/93	5/04/93	*7/19/93	*7/19/93	*8/18/93	*9/22/93
10. Ch. 100, 103 and 111 - Financial Assurance Requirements for Municipal Solid Waste Landfills	*7/19/93	*8/18/93	*9/ /93	*9/ /93	*10/18/93	*10/18/93	*11/30/93	*12/15/93
11. Ch. 102 - Financial Assurance Mechanism for Closure and Post-Closure Costs at Sanitary Disposal Projects	10/19/92	11/11/92	12/01/92	12/01/92 12/02/92 12/03/92	*7/19/93	*7/19/93	*8/18/93	*9/22/93
12. Ch. 119, 143 - Use of Recycled Oils for Road Oil, Etc.	3/15/93	4/14/93	5/11/93	5/04/93	*7/19/93	*7/19/93	*8/18/93	*9/22/93
13. Ch. 121 - Land Appl. of Wastes (Petroleum-Contaminated Solids)	3/15/93	4/14/93	5/11/93	5/04/93	*7/19/93	*7/19/93	*8/18/93	*9/22/93
14. Ch. 135 - UST, Financial Responsibility	2/15/93	3/17/93	4/05/93	4/06/93	*7/19/93	*7/19/93	*8/18/93	*9/22/93
15. Ch. 136 - Financial Responsibility for USTs	5/17/93	6/09/93	*7/ /93	*7/06/93	*8/16/93	*8/16/93	*9/15/93	*10/20/93
16. Ch. 212 - Loans for Waste Reduction and Recycling	2/15/93	3/17/93	4/05/93	4/08/93	*7/19/93	*7/19/93	*8/18/93	*9/22/93
17. Ch. 213 - Packaging - Heavy Metals	2/15/93	3/17/93	4/05/93	4/07/93	6/21/93	*6/21/93	*7/21/93	*8/25/93

MONTHLY VARIANCE REPORT						
Month: May, 1993						
No.	Facility	Program	Engineer	Subject	Decision	Date
1.	City of McGregor	Wastewater Construction	Erdman Engineering	Minimum Sewer Size	Approved	05/07/93
2.	American Meat Protein Corp. - Denison	Wastewater Construction	Bolton & Menk	Sewer Stream Crossing	Approved	05/11/93
3.	Black Hawk Marsh Dam - Sac County	Flood Plain	Butts Engineering	Freeboard	Approved	05/03/93
4.	Marion County - North Cedar Creek	Flood Plain	Calhoun-Burns and Associates, Inc.	Freeboard	Approved	05/21/93
5.	Fansteel - Washington	Wastewater Operations	Mark Hintz-Advance Chemical Systems	Monitoring Frequency	Approved	05/27/93
6.	Wayne/Ringgold/Decatur Counties Sanitary Landfill	Solid Waste	Green Environmental Services	Cover	Approved	05/21/93
7.	City of Palmer	Watersupply Construction	Kuehl & Payer, Ltd.	Construction Materials	Approved	05/12/93
8.	City of Ida Grove	Watersupply Construction	Kuehl & Payer, Ltd.	Construction Materials	Approved	05/18/93

E93Jun-14

Environmental Protection Commission Minutes

June 1993

Report of Hazardous Conditions

During the period May 1, 1993 through May 31, 1993, reports of 129 hazardous conditions were forwarded to the Central Office. Two incidents are highlighted below. A general summary and count by field office is attached. These do not include releases from underground storage tanks, which are reported separately.

Date Reported and County	Description: Material, Amount, Date of Incident, Cause, Location, Impact	Responsible Party	Response and Corrective Actions
05/09/93 Des Moines	Fifteen railcars owned by the Burlington Northern Railroad derailed in West Burlington. Solvents, oils, and fertilizers were contained in the rail cars, and some of the chemicals were leaking from the rail cars. Flint Creek was impacted by the chemicals.	Burlington Northern 201 N. 7th Lincoln, NE	Residents within one-half mile were evacuated. The local fire department responded to the scene. Dikes were constructed to separate the chemicals from each other and the nearby creek. Assessment and remediation of the site are ongoing.
05/20/93 Neokuk	A shuttle tank was being unloaded from a truck and it fell off the truck. 200 gallons of bullet herbicide were spilled on the ground. No surface waters were impacted.	Mahaska Farm Service 110 South E St. Oskaloosa, IA	The material was contained with soil and lime and will be land applied to crop ground.

NUMBERS IN PARENTHESES REPRESENT REPORTS FOR THE SAME PERIOD IN FISCAL YEAR 1992

SUBSTANCE TYPE

MODE

Month	Total # of Incidents	Petroleum Product	Agrl. Chemical	Other Chemicals and Substances	Handling and Storage	Pipeline	Highway Incident	RR Incident	Fire	Other
Oct.	83(87)	54(52)	8(4)	21(31)	51(42)	0(2)	25(24)	2(2)	0(0)	5(17)
Nov.	84(83)	46(56)	7(3)	21(22)	38(44)	1(1)	26(22)	0(0)	0(0)	9(13)
Dec.	67(81)	41(47)	9(7)	17(27)	37(40)	2(2)	28(28)	0(2)	0(1)	9(8)
Jan.	61(64)	47(40)	0(6)	14(18)	32(33)	1(0)	21(22)	1(1)	0(1)	6(8)
Feb.	39(61)	22(38)	2(6)	8(17)	22(36)	0(0)	13(19)	3(2)	0(0)	1(4)
March	71(79)	46(40)	4(15)	21(24)	45(50)	2(0)	21(14)	1(1)	1(0)	1(14)
April	90(107)	58(50)	12(35)	20(22)	55(47)	1(3)	29(39)	2(2)	0(0)	3(16)
May	120(141)	41(41)	52(64)	27(36)	68(75)	4(0)	38(49)	1(1)	2(1)	7(13)
June										
July										
August										
Sept.										

Total Number Of Incidents Per Field Office This Period:

1	2	3	4	5	6
18	29	11	9	22	31

E93Jun-15

June 1993

Environmental Protection Commission Minutes

REPORTS OF RELEASES FROM UNDERGROUND STORAGE TANKS

During the period of May 1, 1993 through May 31, 1993, the following number of releases from underground storage tanks were identified.

20 (36)

The number in parentheses represents the number of releases during the same period in Fiscal Year 1992.

NUMBER OF LUST CLEANUPS COMPLETED

During the period of May 1, 1993 through May 31, 1993, the following number of LUST cleanups were completed.

8 (582)

The number in parentheses represents the total number of LUST cleanups through May 31, 1993.

Enforcement Report Update

The following new enforcement actions were taken last month:

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
Dale Hall d/b/a Hall Oil Co., Des Moines (5)	Underground Tank	Site Assessment	Order/Penalty	5/03/93
Robert Bodwell, Winterset (5)	Underground Tank	Site Assessment	Order/Penalty	5/03/93
Franklin Raymond, Pacific Junction (4)	Underground Tank	Site Assessment	Order/Penalty	5/03/93
Graham Tire Co. of Spencer; Robert C. Graham, Spencer (3)	Underground Tank	Closure Investigation	Order/Penalty	5/03/93
Fellmer Salvage Yard, Black Hawk County (1)	Flood Plain	Construction Without Permit	Order	5/03/93
Clear Lake Stock Farms, Inc., Osceola County (3)	Solid Waste	Illegal Disposal	Order/Penalty	5/03/93
Des Moines County Sanitary Landfill (6)	Solid Waste	Cover Violations; Other	Order/Penalty	5/03/93
Donald Ferkle, Muscatine County (6)	Air Quality	Open Burning	Amended Order- Rescinded	5/05/93
International HydroForm, Inc., Pella (5)	Underground Tank	Remedial Action	Referred to AG	5/17/93
Robert B. Pfendl d/b/a Pfendl Brothers Trucking, Kingsley (3)	Underground Tank	Closure Investigation	Referred to AG	5/17/93
Bernard Gavin d/b/a Gavin Veterinary Clinic, Wellsburg (2)	Underground Tank	Closure Investigation	Referred to AG	5/17/93
Dennis Doud d/b/a D & D Tire Co., Moravia (5)	Underground Tank	Closure Investigation	Referred to AG	5/17/93
David Young d/b/a Sierp Oil Company, Casey (4)	Underground Tank	Closure Investigation	Referred to AG	5/17/93
Jack Link Truck Line, Inc., Dyersville (1)	Underground Tank	Closure Investigation	Referred to AG	5/17/93
Tim Sharp, Gas N Go, Newton (5)	Underground Tank	Site Check	Referred to AG	5/17/93
Land O' Lakes, Inc., Hamilton County (2)	Wastewater	Prohibited Discharge	Amended Order	5/25/93
Mel-Ray Mobile Home Park, Ankeny (5)	Wastewater	Construction Without Permit; Discharge Limits	Order/Penalty	5/25/93
Eddie Hemmer, Jones County (1)	Air Quality Solid Waste	Open Burning Illegal Disposal	Order/Penalty	5/25/93

E93Jun-16

Environmental Protection Commission Minutes

June 1993

Summary of Administrative Penalties

The following administrative penalties are due:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
Carson Grain & Implement (Coggon)	UT	1,000	8-03-92
Ron Jungling d/b/a Jungling Texaco (Wellsburg)	UT	550	11-18-92
Marvin Kruse d/b/a K & C Feeds (Luana)	UT	300	12-01-92
Charles Hennaman (Mitchel Co.)	SW	450	2-16-93
Diversified Industries, Inc. (Otho)	AQ	1,000	4-25-93
*Seven Ponds Park (Des Moines Co.)	WS	435	5-01-93
Duane Pospisil d/b/a Duane's Service (Lisbon)	UT	1,000	5-04-93
Mike's Prairie Home (Ollie)	WS	500	5-30-93
McGill Asbestos Abatement Co., Inc. (Council Bluffs)	AQ	500	6-13-93
*63-80 Cafe (Malcom)	WS	800	6-20-93
Anderson Excavating & Wrecking Co. (Council Bluffs)	AQ	500	6-28-93
Dale Hall d/b/a Hall Oil Co. (Des Moines)	UT	300	7-06-93
Robert Bodwell (Winterset)	UT	300	7-07-93
Clear Lake Stock Farms, Inc. (Osceola Co.)	SW	1,000	7-07-93
Graham Tire Co. of Spencer (Spencer)	UT	1,100	7-07-93
Franklin Raymond (Pacific Junction)	UT	300	7-07-93
Eddie Hemmer (Jones County)	AQ/SW	600	8-01-93
Mel-Ray Mobile Home Park (Ankeny)	WW	500	-----

The following cases have been referred to the Attorney General:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
OK Lounge (Marion)	WS	448	11-01-87
Richard Davis (Albia)	SW	1,000	2-28-88
Eagle Wrecking Co. (Pottawattamie Co.)	SW	300	5-07-89
*Twelve Mile House (Bernard)	WS	115	5-20-89
*Lawrence Payne (Ottumwa)	SW	425	6-19-89
William L. Bown (Marshalltown)	SW	1,000	10-01-89
Wellendorf Trust (Algona)	AQ/SW	460	2-12-90
Donald P. Ervin (Ft. Dodge)	SW	669	3-05-90
Amoco Oil Company (Des Moines)	UT	1,000	8-15-90
Gerald G. Pregler (Dubuque Co.)	SW	1,000	9-02-90
Donald R. Null (Clinton Co.)	AQ/SW	1,000	9-06-90
Robert and Sally Shelley (Guthrie Center)	SW	1,000	3-04-91
Fred Varner (Worth Co.)	SW	950	4-11-91
Honey Creek Camping Resort (Crescent)	WS	245	6-13-91
F.R. Thomas/F.R. Thomas, Jr. d/b/a Clair View Acres Store (Delhi)	WS	1,000	8-04-91
*M & W Mobile Home Park (Muscatine)	WW	200	8-21-91
Vern Starline (Boone Co.)	SW	699	9-15-91
Lloyd Duntun (Iowa Co.)	SW	300	11-07-91
Vernus Wunschel d/b/a Wunschel Oil Co. (Ida Grove)	UT	300	1-12-92
R.D. Lofton, DVM (Osage)	UT	300	2-12-92
Bernard Sadler/Ger-Mar Farms (Allamakee Co.)	SW	500	3-28-92
Kenneth Bode (Hills Co.)	SW	300	4-27-92
*Todd D. Behounek and Paul Behounek (Tama Co.)	SW	100	5-21-92
V.R. Dillingham d/b/a Barb's Service (Everly)	UT	600	5-21-92
Leonard Page d/b/a Kent Store (Kent)	UT	300	5-25-92
Tandem Oak Park Associates (Ft. Dodge)	WS	405	6-03-92
Dick White (Washington County)	AQ	250	8-15-92
Central Paving Corporation (Indianola)	UT	300	8-20-92
Marion Stark (Kellerton)	UT	300	8-26-92
Delano's Lounge (Washington)	WS	500	9-20-92
Midway Water & Lighting (Marion)	WS	860	10-07-92
Robert Plendl d/b/a Plendl Bros. Trucking (Kingsley)	UT	300	10-15-92
Shirley Pecoy d/b/a Joe's Place (Sexton)	UT	300	10-19-92
Seven Ponds Park (Des Moines County)	WS	535	11-03-92
Rankin Roofing & Siding Co. (Knoxville)	AQ	500	11-09-92
Cloyd Foland	FP	800	12-07-92
William D. Ames (Woodbury Co.)	SW	1,000	1-20-93
Tony Hoyt d/b/a Lake Wilderness (Lee Co.)	SW	1,000	1-23-93
Don Grell d/b/a Dodger Enterprise (Ft. Dodge)	AQ	10,000	2-16-93
Bernard Gavin Veterinary Clinic (Wellsburg)	UT	600	5-02-92
Dennis Doud d/b/a D & D Tire (Moravia)	UT	300	1-24-93
Tim Sharp (Newton)	UT	1,000	1-25-93
Jack Link Truck Line, Inc. (Dyersville)	UT	300	1-25-93
David Young d/b/a Sierp Oil Co. (Casey)	UT	300	2-10-93

The following administrative penalties have been appealed:

NAME/LOCATION	PROGRAM	AMOUNT
Amoco Oil Co. (Des Moines)	UT	1,000
Iowa City Regency MHP (Iowa City)	WW	1,000
1st Iowa State Bank (Albia)	SW	1,000
Amoco Oil Co. (West Des Moines)	UT	1,000
Sioux City, City of	WW	1,000
Des Moines, City of	HC	1,000
Van Dusen Airport Services (Des Moines)	HC	1,000
Maple Crest Motel and MHP (Mason City)	WS	350
Chicago & North Western Transportation, et.al.	SW	1,000
Joe Eggers, Jr., et.al. (St. Ansgar)	SW	1,000
McDowell Dam #1 (Lee Co.)	FP	500
McDowell Dam #2 (Lee Co.)	FP	500

E93Jun-17

June 1993

Environmental Protection Commission Minutes

Oskaloosa Food Products Corp. (Oskaloosa)	WM	1,000
Oskaloosa, City of	WM	1,000
Wiota, City of	WS	500
Hickory Hollow Water Co. (Ankeny)	WS	400
Dell Oil Ltd. (Sioux City)	NC	1,000
Nordstrom Oil Company (Cedar Rapids)	NC	1,000
White Consolidated/Frigidaire Co. (Jefferson)	WM	1,000
D. Frank/D. Steib/Interstate Salvage (Webster Co.)	AQ	600
Linden, City of	WS	1,000
William H. Viner (Emerson)	UT	600
Farmers Cooperative Elevator (Martelle)	NC	1,000
Humboldt County Sanitary Landfill Commission	SW	1,000
Wayne Transportation, Inc. (Greene)	WM	1,000
Mulgrew Oil Company (Dubuque)	NC	500
John Staub d/b/a Mr. Convenient (Burlington)	UT	600
Charles Kerr (Sloan)	UT	600
Stringtown Country Cafe (Lenox)	WS	1,000
Lincoln Farm and Home Service (Henderson)	WM	1,000
Country Estates Mobile Home Park (Long Grove)	WS	765
Chickasaw Co. SLF, et.al. (Chickasaw Co.)	SW	1,000
Richard Newman (Des Moines Co.)	SW	500
Plymouth Cooperative Oil Co. (Hinton)	WM	1,000
LaVerne Rehder (Union)	UT	300
Randy Bonin/Vickie Brannick (Hardin Co.)	SW	500
Ida County Sanitary Landfill (Ida Co.)	SW	1,000
Dean Hoeness d/b/a Hoeness & Sons (Winterset)	UT	300
Waste Systems Corp./Ronald Roth (Winnebago Co.)	SW	1,000
Decatur, City of	UT	600
South High Point Well Assn. #1 (Iowa City)	WS	600
Case Power and Equipment (Decorah)	WS	500
Cedar Valley Corporation (Waterloo)	AQ	1,000
King's Terrace Mobile Home Court (Ames)	WM	500
ITWC, Inc. (Malcom)	AQ	1,000
Lloyd Decker (Floyd Co.)	SW	1,000
Eldon Krambeck (Scott Co.)	AQ	1,000
Country Mobile Home Court (New Hampton)	WS	845
Albert Rohwer/Chelmer Flynn (Scott Co.)	SW	1,000
Waucoma, City of	WS	200
Tracy Below (Hardin Co.)	WM	1,000
Grand Laboratories, Inc. (Larchwood)	WM	1,000
Frank Hulshizer (Benton Co.)	SW	500
Cargill, Inc. (Eddyville)	SW/WM	1,000
Fausser Oil Company, Inc. (Elgin)	UT	1,000
Land Renu, Inc. (Rockwell City)	SW	1,000
Holnam Inc. (Mason City)	AQ	5,000
Henning Wood Products, Inc. (Winneshiek Co.)	SW	500
Cyclone Steeple Jacks Inc. (Nevada)	AQ	1,000
Newton, City of	SW	1,000
Wells Dairy, Inc. (LeMars)	WM	5,000
LeMars, City of	WM	5,000
Fine Oil Co.; John and Diane Fine (Appanoose Co.)	AQ/HC/WM	10,000
Economy Solar Corp. (Monticello)	AQ	100
Phil McMains (Appanoose Co.)	SW	4,000
Enviro Safe Air, Inc. (Sioux City)	AQ	100
Crane Co. d/b/a Crane Valves (Washington Co.)	SW	500
Donald Udell (Plymouth Co.)	SW	1,000
Daisy H. Gridley Conservatorship, et.al. (Union Co.)	SW	1,000
Casey's General Stores, Inc. (Anamosa)	AQ	1,000
Iowa-Illinois Thermal Insulation, Inc. (Clinton)	AQ	100
R. Excavating, Inc. (Council Bluffs)	AQ	1,000
Technical Asbestos Control, Inc. (Davenport)	AQ	500
Midwest Asbestos, Inc. (Cedar Falls/Tama)	AQ	500
Advanced Technologies Corp. (Cedar Falls)	AQ	1,000
Advanced Technologies Corp. (Cedar Falls)	AQ	500
Technical Asbestos Control, Inc. (Davenport)	AQ	200
Goodell, City of	WS	300
Des Moines County Sanitary Landfill (Des Moines Co.)	SW	3,000

The following administrative penalties were paid last month:

NAME/LOCATION	PROGRAM	AMOUNT
Don Grothe d/b/a Don's Motor Mart (Lake Mills)	UT	300
Chicago Central & Pacific Railroad (Rockwell City)	SW	700
Maple Crest Motel and MHP (Mason City)	WS	350
Valley Country Kitchen (Atlantic)	WS	100
*63-80 Cafe (Malcom)	WS	100
Gilmore City, City of	WS	100
Balbort Beverage Co. (Burlington)	UT	300
Spring Grove Mobile Home Park (Burlington)	WS	100
*Partners-Four-Investments (Marble Rock/Rockwell) (PAID)	UT	350
Garling Construction, Inc. (Anamosa)	AQ	250
TOTAL		2,650

The \$600 penalty assessed to Donald Ferkle (Muscatine Co.) has been rescinded.

The \$600 penalty assessed to Joslin Enterprises, Ltd. (Anamosa) has been rescinded.

E93Jun-18

Environmental Protection Commission Minutes

June 1993

DEPARTMENT OF NATURAL RESOURCES ENVIRONMENTAL PROTECTION COMMISSION ATTORNEY GENERAL REFERRALS June 1, 1993

Name, Location and Region Number	Program	Alleged Violation	DNR Action	New or Updated Status	Date
AF's Corner Oil Co. Carroll (4)	Hazardous Condition	Remedial Action	Order	Referred Petition Filed Remediation Plan Rejected	12/16/91 12/16/92 3/30/93
American Meat Protein Corp. Lytton (3)	Wastewater	Pretreatment	Referred to Attorney General	Referred Petition Filed Motion to Add City Granted Trial Date	10/21/91 4/30/92 12/16/92 1/25/94
Ames Golf & Country Club Ames(5)	Wastewater	Op. Violations Effluent Limits	Referred to Attorney General	Referred	8/19/91
Ames, William D. Woodbury County (3)	Solid Waste	Illegal Disposal	Order/Penalty	Referred	2/15/93
Amoco Oil Company Des Moines (5)	Underground Tank	Remedial Action	Referred to Attorney General	Referred Suit Filed Trial Date	8/21/90 10/15/90 9/27/91 10/25/93
Antlion, City of (3)	Wastewater	Discharge Limits	Order	Referred Petition Filed	11/14/92 3/22/93
Behounek, Paul and Todd Tama (5)	Air Quality	Open Burning	Referred to Attorney General	Referred Petition Filed	5/18/92 12/11/92
Birmingham, Karlene A. Crescent (4)	Solid Waste	Illegal Disposal	Referred to Attorney General	Referred Petition Filed	6/15/92 12/11/92
Boley, Fred d/b/a Boley Oil McCasland (6)	Hazardous Condition	Remedial Action	Order	Referred Site Investigation Plan Petition Filed Trial Date	2/17/92 9/23/92 12/14/92 8/26/93
Bryant, Robert D.V.M. d/b/a Cherokee Hog Farms Auraria (3)	Wastewater	Prohibited Discharge	Referred to Attorney General	Referred Trial Information Guilty Plea	7/15/91 5/19/92 3/14/93
Carney, Don and Gertrude Ft. Dodge (2)	Solid Waste	Illegal Disp.	Order/Penalty	Referred Petition Filed	4/15/91 3/25/92
Centerville, City of (5)	Wastewater	Pretreatment	Order/Penalty	Referred	10/19/92
Chicago & Northwestern Transportation Co. Updated	Hazardous Condition	Remedial Action	Order	Petition for Judicial Review Petition for Judicial Review Petition for Judicial Review Order/Change Venue to Hardin Co. Oral Arguments Order Affirmed Supreme Court Appeal Filed	8/19/91 8/14/91 9/16/91 11/21/91 3/10/93 4/23/93 5/23/93
Blue Chip Enterprises					
Hawkeye Land Company Iowa Falls (2)					
Chicago & Northwestern Transportation Co. Starwood (6)	Air Quality	Open Burning	Referred to Attorney General	Referred Petition Filed	5/07/92 4/08/93
Cota Industries, Inc. Des Moines (5)	Hazardous Condition	Remedial Action	Order	Referred Petition for Judicial Review Order Granting Motion to Denies Notice of Appeal Affirmed by Supreme Court Petition Filed	4/15/91 4/18/91 7/23/91 8/13/91 10/21/92 4/16/93
Dolans Lounge Washington (6)	Drinking Water	MCL-Bacteria Mug/Ring - Nitrate	Order/Penalty	Referred Petition Filed	1/19/93 4/02/93

E93Jun-19

June 1993

Environmental Protection Commission Minutes

DEPARTMENT OF NATURAL RESOURCES
 ENVIRONMENTAL PROTECTION COMMISSION
 ATTORNEY GENERAL REFERRALS
 June 1, 1993

Name, Location and Region Number	Program	Alleged Violation	DNR Action	New or Updated Status	Date
Dowd, Dennis D & D Tire Company Moreau (5)	New	Underground Tank	Closure Investigation	Order/Penalty	Referred 5/17/93
Duston, Lloyd Iowa County (6)	Updated	Solid Waste	Illegal Disp.	Order/Penalty	Referred Petition Filed Trial Date 12/16/91 8/26/92 12/20/93
Ecology Enterprises, Inc; Hollis D. DeVoe; Michael Murray; Robert Ransoh Chickasaw County (1)	Solid Waste	Illegal Disposal	Referred to Attorney General	Referred Petition Filed	6/15/92 3/6/93
Ervin, Don Webster County (2)	Solid Waste	Operation Without Permit	Order/Penalty	Referred Judgment for \$1,000 Execution & Order to Levy Application to Condemn Funds Partial Payment Reserved (\$331)	4/16/90 7/13/90 9/28/90 11/27/90 11/20/90
		Permit Violations	Referred to Attorney General	Referred Temporary Injunction Order of Contempt Order Granting Sum Contempt Reversed (Court of Appeals) Application for Further Review Supreme Ct. Reversed Ct of Appeals Order to Serve Sentence Application for Hearing Order Denying Reconsideration of Sentence	9/16/91 9/18/91 12/20/91 12/26/91 8/29/92 10/16/92 2/17/93 3/17/93 3/18/93 3/19/93
First Iowa State Bank Albia (2)	Solid Waste	Open Dumping	Order/Penalty	Petition for Judicial Review Ruling on Petition for Judicial Review Appeal to Ia. Supreme Court State Filed Brief Oral Arguments	4/12/91 3/6/92 3/11/92 8/9/92 5/13/93
Foland, Cloyd Deuster Co. (5)	Flood Plain	Unauthorized Construction	Order Penalty	Post-Judicial Review Enforcement Supreme Court Affirmed Post-Judicial Review Enforcement	13/07/92 13/07/92 2/01/93
Gavin, Bernard Gavin Veterinary Clinic Wellsburg (2)	New	Underground Tank	Closure Investigation	Order/Penalty	Referred 5/17/93
Geac Construction Co. Ft. Dodge (2)	Solid Waste Air Quality Burning	Illegal Dis- posal; Open	Referred to Attorney General	Referred Petition Filed	5/29/92 1/26/93
Geac Construction Co. Ft. Dodge (2)	Hazardous Cond. Wastewater	Site Contamination	Referred to Attorney General	Referred Petition Filed	1/10/93 3/26/93
Grell, Doe d/b/a Dodger Enterprises Ft. Dodge (2)	Air Quality	Open Burning	Order/Penalty	Referred Motion for Judgment Hearing Date	3/15/93 3/25/93 4/19/93
Hoyt, Tony L. d/b/a Lake Wilderness Camp Lee County (6)	Solid Waste Air Quality	Illegal Disposal Open Burning	Order/Penalty	Referred Petition Filed	2/15/93 4/15/93
IBP, inc. Columbus Junction (6)	Wastewater	DNR Defendant	Defense	Suit Filed Judgment for DNR Motion to Enlarge Order Denying Motion Notice of Appeal	3/17/92 10/28/92 11/06/92 12/16/92 1/11/93
International Hydroform Pella (5)	New	Underground Tank	Remedial Action	Order	Referred 5/17/93
Iowa City, City of (6)	Solid Waste	Cover Violations	Referred to Attorney General	Referred Petition Filed	4/20/92 1/28/93
Jack Link Truck Line, Inc. Dyersville (1)	New	Underground Tank	Closure Investigation	Order/Penalty	Referred 5/17/93

E93Jun-20

Environmental Protection Commission Minutes

June 1993

DEPARTMENT OF NATURAL RESOURCES ENVIRONMENTAL PROTECTION COMMISSION ATTORNEY GENERAL REFERRALS June 1, 1993

Name, Location and Region Number		Program	Alleged Violation	DNR Action	New or Updated Status	Date
Landfill of Des Moines, Inc. Des Moines #4 (5)	Updated	Solid Waste	Compliance Schedule/Other	Order/Penalty	Referred Petition Filed Trial Date	12/16/91 9/01/92 7/12/93
Landfill of Des Moines, Inc. Des Moines #5 (5)	Updated	Solid Waste	Compliance Schedule/Other	Order/Penalty	Referred Petition Filed Trial Date	5/18/92 9/01/92 7/12/93
Lyman, City of (3)		Wastewater	Pre-treatment	Referred to Attorney General	Referred Petition Filed (Added to AMPC) Trial Date	5/18/92 12/28/92 1/25/94
Masdom, Donald Rolle (3)		Solid Waste	Operation Without Permit	Order	Referred Petition Filed	1/21/92 8/26/92
Martinez, Vincent d/b/a Martinez Sewer Service Des Moines (6)		Hazardous Condition	Remedial Action	Order/Penalty	Referred Petition Filed	2/17/92 12/21/92
Bob McKinnis Excavating & Grading v. IDNR		Hazardous Condition	DNR Defendant	Defense	Suit Filed DNR Motion to Dismiss Ruling on Motion to Dismiss and Reformation	3/12/91 5/01/91 3/26/92
Midway Water & Lighting Marion (1)		Drinking Water	Misp. Rptg. MCL-Bacteria	Order/Penalty	Referred Petition Filed	12/1/92 4/21/93
Monfort, Inc. Des Moines (5)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred Trial Info. Filed (Polk Co.) Pre-Trial Hearing Trial Date Guilty Verdict Motion for New Trial Hearing on Motion	12/11/89 7/19/91 7/31/92 1/22/93 1/25/93 2/12/93 3/16/93
Moore, Ron d/b/a 63-180 Cafe Malcom (5)		Drinking Water	Misp. Rptg. Nitrate; Other	Order/Penalty	Referred Payment Schedule (\$1,000/Admin.)	11/16/92 4/02/93
Murphy, Craig d/b/a Seven Ponds Park Sperry (6)		Drinking Water	Misp. Rptg. Bacteria & Nitrate	Order/Penalty	Referred Payment Schedule (\$535/Admin.)	12/21/92 3/08/93
Nollen, Harold d/b/a Nollen Phillips 66 Harlan (4)		Underground Tank	Closure Investigation	Referred to Attorney General	Referred	4/20/92
Piondi, Robert B. Piondi Brothers Trucking Kingsley (3)	New	Underground Tank	Closure Investigation	Order/Penalty	Referred	5/17/93
Pringle, Michael and Brenda d/b/a Foller's Tap Camauche (6)		Drinking Water	Misp. Rptg. Bacteria/Nitrate	Referred to Attorney General	Referred Petition Filed	6/15/92 3/03/93
Prins, John, Bradford Paving Bradford (2)		Underground Tank	Closure Investigation	Order	Referred Petition Filed	10/19/92 12/24/92
Sadler, Bernard and Ger Mar Farms, Inc. Allamakee Co. (1)		Solid Waste	Illegal Disposal	Order/Penalty	Referred Petition Filed	9/21/92 12/24/92
Starling, Vera Perry (5)		Solid Waste	Illegal Disposal	Order	Referred Petition Filed	11/16/92 4/14/93

June 1993

Environmental Protection Commission Minutes

DEPARTMENT OF NATURAL RESOURCES
 ENVIRONMENTAL PROTECTION COMMISSION
 ATTORNEY GENERAL REFERRALS
 June 1, 1993

Name, Location and Region Number	Program	Alleged Violation	DNR Action	How or Updated Status	Date
Tandem-Oak Park Assoc. Fort Dodge (2)	Drinking Water	Ming/Ryong Bacteria/Bioorg. Organisms/Refrs.	Order/Penalty	Referred Motion for Judgment	7/26/92 4/8/93
Van Hulzen, Kenneth Oskaloosa (5)	Underground Tank	Closure Investigation	Order/Penalty	Referred Motion for Judgment	6/15/92 12/22/92
Vonderhaar, Leonard Holy Cross (1)	Air Quality	Open Burning	Referred to Attorney General	Referred Petition Filed	8/17/92 3/24/93
Winterset, City of (5)	Wastewater	Effluent Limits	Referred to Attorney General	Referred Petition Filed	7/26/92 3/23/93
Wunschel, Vernus Ida Grove (3)	Underground Tank	Closure Investigation	Order/Penalty	Referred	2/17/92
Yeates, Clifford Council Bluffs (4)	Solid Waste	Illegal Disposal	Referred to Attorney General	Referred Petition Filed	4/20/92 11/23/92
Young, David Sierp Oil Company Corry (5)	New Underground Tank	Closure Investigation	Order/Penalty	Referred	5/17/93
Schultz, Albert and Irene Iron Works Ely (1)	Solid Waste	Open Dumping	Referred to Attorney General	Referred Suit Filed Trial Date	9/20/89 8/28/90 11/28/93
Sharp, Tim Gas-N-Go Newton (5)	New Underground Tank	Site Check	Order/Penalty	Referred	5/17/93
Shelley, Roberto and Sally Guthrie Center (4)	Solid Waste	Illegal Disposal	Order/Penalty	Referred Petition Filed Trial Date Ruling (\$1,800/Admin.; Clean-up Ordered); Notice of Appeal Appellant's Brief State's Brief	4/15/91 7/18/91 5/19/92 8/25/92 9/17/92 11/29/92 1/11/93
Smith, Don Dallas Center (5)	Underground Tank	Closure Investigation/ Failure to Register	Order	Referred Petition Filed	10/19/92 3/28/93
Sox Line Railroad Co. Mason City (2)	Wastewater Haz. Condition	Prohibited Discharge Remedial Action	Referred to Attorney General	Referred Petition Filed	7/15/91 12/17/92
Stark, Marian Kellerton (4)	Underground Tank	Closure Investigation	Order/Penalty	Referred Petition Filed	10/19/92 4/16/93
Young Radiator Co. Centerville (5)	Wastewater	Pretreatment	Order	Referred	11/15/92

E93Jun-22

Environmental Protection Commission Minutes

June 1993

DEPARTMENT OF NATURAL RESOURCES ENVIRONMENTAL PROTECTION COMMISSION CONTESTED CASES June 1, 1993

DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
1-23-86	Delwin Soil Service	Administrative Order	WM	Landa	Hearing continued.
5-12-87	Iowa City Regency NWP	Administrative Order	WM	Hansen	Facility requested DNR calculate MUA and permit limits for proposed upgrade.
1-15-88	First Iowa State Bank	Administrative Order	SU	Kennedy	Appealed to Supreme Court. Hearing 5/13/93.
2-05-88	Warren County Brenton Bank	Administrative Order	UT	Morrison	SCR submitted - more work required.
10-20-88	Worth Co. Co-Op Oil Northwood Cooperative Elevator Sunray Refining and Marketing Co.	Administrative Order	HC	Murphy	Ruling on dismissal/intervention 11/16/88. Petition for Judicial Review. Judicial review hearing 7/16/93.
1-25-89	Amoco Oil Co. - Des Moines 7L1103	Administrative Order	UT	Morrison	Clean-up progressing. Review progress.
5-01-89	Amoco Oil Co. - West Des Moines	Administrative Order	UT	Morrison	Compliance initiated. Review progress.
6-08-89	Shaver Road Investments	Site Registry	WM	Landa	Hearing continued. Discovery initiated.
6-08-89	Hewkey Rubber Mfg. Co.	Site Registry	WM	Landa	Hearing continued. Discovery initiated.
6-08-89	Lehigh Portland Cement Co.	Site Registry	WM	Murphy	Hearing continued. Discovery initiated.
6-12-89	Amara	Site Registry	HC	Landa	Negotiating before filing.
6-22-89	Chicago & Northwestern Transportation Co. Hawkeye Land Co. Blue Chip Enterprises	Administrative Order	HC	Murphy	Petition for judicial review of agency action. Oral argument 3/10/93.
10-24-89	Farmers Cooperative Elevator Association of Sheldon	Site Registry	HC	Landa	Vegetation proceeding.
10-24-89	Consumers Cooperative Assoc.	Site Registry	HC	Landa	Vegetation proceeding.
11-03-89	Bridgestone/Firestone, Inc.	Site Registry	HC	Murphy	Hearing continued pending negotiations.
11-20-89	FFCA/IIP	Site Registry	HC	Murphy	Considering dismissal.
4-23-90	Sioux City, City of	Administrative Order	WM	Hansen	Amended order to be issued.
5-08-90	Texaco Inc./Champion Co. Site	Site Registry	WM	Landa	Settlement proposed.
5-16-90	Van Dusen Airport Services	Administrative Order	HC	Landa	Compliance initiated.
5-16-90	Alter Trading Corp. (Council Bluffs)	Administrative Order	SU	Kennedy	Negotiating before filing.
5-15-90	Des Moines, City of	Administrative Order	HC	Landa	Hearing continued. Settlement proposed.
6-20-90	Des Moines, City of	NPOES Permit Cond.	WM	Hansen	City response under review by EPD.
7-02-90	Keokuk Savings Bank and Trust Keokuk Coal Gas Site	Site Registry	WM	Landa	Hearing continued.
7-30-90	Key City Coal Gas Site; Murphy Trust & Howard Pixler	Site Registry	WM	Landa	Decision appealed (Pixler). Motion to intervene denied 2/17/91 (Murphy Trust)
8-01-90	J.L. Case Company	Site Registry	WM	Preziosi	Hearing set for 8/5/93.
9-10-90	ISP, Inc. Columbus Junction	Administrative Order NPOES Permit	WM	Hansen	Appealed to Polk Co. District Court. Judgment for DNR. Appealed to Supreme Court. Briefs submitted.
9-12-90	Michael & Joyce News; George H. Gronau	Administrative Order	UT	Morrison	Finalize settlement re: SCR 4/16/93.

E93Jun-23

June 1993

Environmental Protection Commission Minutes

DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
CONTESTED CASES
June 1, 1993

DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
9-20-90	Duane Schwarting	Variance Denial	SW	Kennedy	Hearing continued.
10-15-90	Westside General Store Corp.	Administrative Order	UT	Vornson	Investigate alternatives-finalize inability, etc.
10-18-90	Merlan Pruess	Claim	RC	Murphy	Proposed decision - 2/18/93. Appealed to EPC.
11-15-90	Springwood Enterprises, Inc.	Water Use Permit	WR	Clark	Hearing continued.
12-04-90	United States Gypsum Company	Administrative Order	SW	Kennedy	Negotiating before filing.
12-21-90	Des Moines, City of	Administrative Order	UT	Vornson	Settlement close.
12-27-90	McAtee Tire Service, Inc.	Administrative Order	SW	Kennedy	Hearing continued.
1-07-91	Joe E. Eggers, Jr.; Joe and Mary Eggers	Administrative Order	SW	Kennedy	Hearing set for 7/16/93.
1-09-91	Iowa Southern Utilities	Administrative Order	RC	Preciosi	Hearing continued to 8/09/93.
1-28-91	McDowell Dam #1 & #2	Administrative Order	FP	Clark	Negotiating before filing.
3-08-91	ADM - Cedar Rapids	Conditional Permit	AQ	Preciosi	Negotiating settlement.
3-22-91	Mitchell Bros. Soars and Gilts	Administrative Order	WV	Murphy	Negotiating before filing.
5-09-91	Oskaloosa Food Products Corp.	Administrative Order	WV	Hansen	Letter sent 9/4/92 regarding resolution of appeal.
5-16-91	Oskaloosa, City of	Administrative Order	WV	Hansen	5/93 - Dept. accepts revised schedule. requested by City.
5-20-91	Great Rivers Coop--Lockridge	Site Registry	RC	Murphy	Settlement proposed.
7-15-91	Des Moines Independent School District - North High School	Site Registry	RC	Murphy	Firestone proceeding with site investigation.
7-22-91	Rupp Tire	Administrative Order	UT	Vornson	Consent order drafted. Awaiting execution.
7-26-91	Alter Trading Corp. (Devenport)	Administrative Order	SW	Kennedy	Negotiating before filing.
7-27-91	Chicago North Western; Dennis Bell; Phillips Petroleum; Amoco Oil Co.	Administrative Order	RC	Murphy	Hearing continued. Compliance hearing completion.
9-25-91	Archer Daniels Midland	Administrative Order	SW	Kennedy	Negotiating before filing.
12-31-91	Linden Water Supply	Administrative Order	VS	Hansen	5/93-Dept. settlement offer to City. Hearing set for 7/27/93.
1-07-92	Wiote, City of	Administrative Order	VS	Hansen	2/93 revised report reviewed by VS - new schedule proposed.
1-17-92	Hickory Hollow Water Co.	Administrative Order	VS	Hansen	Ltr. received 7/28/92 regarding compliance. Settlement offer to VS.
1-21-92	Dell Oil, Ltd.	Administrative Order	RC	Vornson	Settlement draft proposed.
1-30-92	Center Oil Co., Inc.	Administrative Order	RC	Murphy	Negotiating before filing.
2-25-92	Hardstrom Oil Co.	Administrative Order	RC	Murphy	Negotiating before filing; compliance initiated.
2-26-92	William H. Viner	Administrative Order	UT	Vornson	Consent order drafted. Awaiting execution.

E93Jun-24

Environmental Protection Commission Minutes

June 1993

DEPARTMENT OF NATURAL RESOURCES ENVIRONMENTAL PROTECTION COMMISSION CONTESTED CASES June 1, 1993

DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
3-12-92	Farmers Cooperative Elevator - Martelle	Administrative Order	HC	Murphy	Negotiating before filing; compliance initiated.
3-23-92	Partners-Four Investments - Rockwell	Administrative Order	UT	Wornson	Penalty paid. Settled.
3-23-92	Partners-Four Investments - Herbie Rock	Administrative Order	UT	Wornson	Penalty paid. Settled.
3-30-92	White Consolidated Industries	Administrative Order	WV	Hansen	Negotiating before filing.
3-30-92	Dennis Frank/Dennis Steib d/b/a Francis Auto Salvage	Administrative Order	AQ	Kennedy	Negotiating before filing.
4-03-92	Charles P. Schafer; Stringtown Properties; First Community National Bank	Administrative Order	UT	Wornson	Hearing set for 6/28/93. County taking tax deed. Inability to pay documents sent.
4-07-92	Humboldt Co. Sanitary Landfill	Administrative Order	SU	Kennedy	Hearing continued until further order.
4-09-92	Wayne Transports, Inc.	Administrative Order	WV	Murphy	Negotiating before filing.
4-13-92	Stringtown Country Cafe	Administrative Order	WS	Hansen	Request for hearing concerning emergency order withdrawn. Appeal closed.
4-15-92	Mulgrew Oil Co.	Administrative Order	HC	Wornson	Negotiating before filing.
4-26-92	Charles A. Kerr	Administrative Order	UT	Wornson	Financial inability claimed. Requesting documents.
4-30-92	Poweshiek Water Assoc.	Administrative Order	WS	Hansen	Negotiating before filing.
5-05-92	Plymouth Cooperative Oil Co.	Administrative Order	WV	Murphy	Negotiating before filing.
5-12-92	Paris & Sons, Inc.	Site Registry	HC	Murphy	Negotiating before filing.
5-15-92	Heartland Lysine, Inc.	Tax Certification	AQ	Preziosi	Negotiating before filing.
5-27-92	Beckett Chevrolet-Olds	Administrative Order	UT	Wornson	Financial inability claimed. Request documents.
6-05-92	Wilson Foods	Permit Denial	AQ	Preziosi	Negotiating before filing.
6-10-92	Marjorie Jarvis	Administrative Order	UT	Wornson	Hearing postponed. Settlement possible.
6-15-92	Country Estates MHP	Administrative Order	WS	Clark	Negotiating before filing.
6-23-92	Chickasaw County Board of Supervisors, Chickasaw Co. SLF	Administrative Order	SU	Kennedy	Negotiating before filing.
6-26-92	Karl Ludwig Jene, Inc.; Nole Oil Co.; TFW Co.	Administrative Order	UT	Wornson	Right-of-way hearing 7/16/93.
6-26-92 10-05-92 1-12-93	Waste Systems Corp. and Robert Roth d/b/a Winnebago Co. SLF	Administrative Order Denial of Comp. Plan Amended Order	SU	Kennedy	Hearing 6/28/93.
7-01-92	Richard A. Newman	Administrative Order	SU	Kennedy	Negotiating before filing.
7-01-92	Des Moines Independent School District-North High	Administrative Order	WV	Murphy	Firestone proceeding with site investigation
8-06-92	Randy Bonin and Vickie Brannick	Administrative Order	SU	Kennedy	Negotiating before filing.
8-13-92	Iowa County Sanitary Landfill	Administrative Order	SU	Kennedy	Negotiating before filing.
8-15-92	Iowa Conference of the United Church of Christ	Administrative Order	FP	Clark	Negotiating before filing.

E93Jun-25

June 1993

Environmental Protection Commission Minutes

DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
CONTESTED CASES
June 1, 1993

DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
8-24-92	Dean Hoeness d/b/a Hoeness & Sons	Administrative Order	UT	Wornson	Financial inability claimed. Request documents.
8-27-92	Decatur City, City of	Administrative Order	UT	Wornson	Compliance initiated-awaiting report.
8-31-92	Cedar Valley Corp.	Administrative Order	AQ	Preziosi	Negotiating before filing.
9-03-92	Case Power and Equipment	Administrative Order	US	Hansen	Case proposal to resolve appeal to Dept.
9-21-92	Buffalo Bill Estates, Inc.	Administrative Order	US	Clark	Negotiating before filing.
9-21-92	ITVC	Administrative Order	AQ	Preziosi	Negotiating before filing.
9-22-92	King's Terrace MHP	Administrative Order	MW	Hansen	Negotiating before filing.
9-28-92	Don Ferkel	Administrative Order	AQ	Preziosi	Settled.
10-06-92	Lloyd Decker	Administrative Order	SW	Kennedy	negotiating before filing.
10-07-92	E. Kent and Joan Cooper	Administrative Order	UT	Wornson	Settlement possible. Acceptance of liability by 3rd party.
10-12-92	Eldon Krambeck	Administrative Order	AQ	Preziosi	Sent to DIA.
10-16-92	Ron Jungling d/b/a Jungling Service	Administrative Order	UT	Wornson	Compliance except for penalty. Making demand for penalty.
10-16-92	Ames, City of; Cy-Ride	Permit Denial	AQ	Preziosi	Negotiating before filing.
10-28-92	Albert Rohwer, Jr.	Administrative Order	SW	Kennedy	Negotiating before filing.
11-13-92	Tracy Below	Administrative Order	MW	Clark	hearing continued.
11-16-92	Grand Laboratories Inc.	Administrative Order	MW	Hansen	4/26/93 Dept. letter to facility rejecting revised assessment plan.
11-16-92	Frank Nulshizer	Administrative Order	SW	Kennedy	Negotiating before filing.
11-23-92	Cargill, Inc.	Administrative Order	SW/MW	Kennedy	Informal meeting 12/4/92.
12-04-92	Fauser Oil Co., Inc.	Administrative Order	UT	Wornson	Settlement awaiting signature.
12-14-92	Quantum	Permit Conditions	MW	Hansen	1/23/93 - info submitted for EPD review. 3/30/93 Dept. settlement offer made. 5/03/93 - response from company.
12-14-92	Gary Lalor	Administrative Order	AQ/SW	Kennedy	Negotiating before filing.
12-15-92	ISP, Inc. Geneseo, IL	SMA Denial	SW	Kennedy	Negotiating before filing.
12-28-93	Salbort Beverage Co., Inc.	Administrative Order	UT	Wornson	Penalty paid. Settled.
1-12-93	Chicago & North Western Transportation Co.	Administrative Order	HC	Wornson	Negotiating before filing.
1-22-93	Pirelli Armstrong Tire Co.	Administrative Order	SW	Kennedy	Negotiating before filing.
1-28-93	Midway Oil Company (Indiana)	Administrative Order	UT	Wornson	Negotiating penalty.
1-28-93	Reven Corp.; Midway Oil Co. (Toledo)	Administrative Order	UT	Wornson	Negotiating penalty.
1-28-93	Lehigh Portland Cement	Permit Conditions	MW	Hansen	Informal meeting 5/25/93.
1-29-93	Case Corporation	Permit Conditions	US	Hansen	3/1/93 Case proposal to DNR to resolve appeal.
2-19-93	TRS Industries, Inc.; City of Des Moines	Administrative Order	SW	Kennedy	Hearing set for 6/17/93.

E93Jun-26

Environmental Protection Commission Minutes

June 1993

DEPARTMENT OF NATURAL RESOURCES ENVIRONMENTAL PROTECTION COMMISSION CONTESTED CASES June 1, 1993

DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
2-24-93	Salem Lutheran Church	US Classification	US	Clark	Negotiating before filing.
3-04-93	Diversified Industries	Administrative Order	AQ	Preziosi	Negotiating before filing.
3/09/93	James, William d/b/a Bill James Agencies	Administrative Order	SW	Kennedy	Negotiating before filing.
3/11/93	Land Renu, Inc.	Administrative Order	SW	Wormson	Negotiating penalty. Compliance by 6/30.
3/15/93	Pat Benjamin	Administrative Order	US	Wormson	Negotiating before filing.
3/19/93	Holman Inc.	Administrative Order	AQ	Preziosi	Negotiating before filing.
3/29/93	Werning Wood, Inc.	Administrative Order	SW	Kennedy	Negotiating before filing.
4/02/93	Newton, City of	Administrative Order	SW	Kennedy	Negotiating before filing.
4/05/93	Cyclone Steeple Jacks, Inc.	Administrative Order	AQ	Preziosi	Negotiating before filing.
4/05/93	Napleton, City of	WU Operator Certification	WU	Hansen	Negotiating before filing.
4/09/93	Economy Solar Corp.	Administrative Order	AQ	Preziosi	Sent to DIA.
4/09/93	Fine Oil Co., Inc.	Administrative Order	AQ/HC WU	Preziosi	Negotiating before filing.
4/09/93	Wells Dairy, Inc.	Administrative Order	WU	Hansen	Negotiating before filing.
4/12/93	Lewers, City of	Administrative Order	WU	Hansen	Negotiating before filing.
4/16/93	Phil McKins	Administrative Order	SW	Kennedy	Negotiating before filing.
4/19/93	Council Bluffs, City of	Permit Conditions	WU	Hansen	Negotiating before filing.
4/19/93	Enviro Safe Air	Administrative Order	AQ	Preziosi	Negotiating before filing.
4/21/93	Donald Udell	Administrative Order	SW	Kennedy	Negotiating before filing.
4/26/93	Crane Co.	Administrative Order	SW	Kennedy	Negotiating before filing.
4/26/93	Caseys General Store	Administrative Order	AQ	Preziosi	Negotiating before filing.
4/26/93	Iowa-Illinois Thermal Insulation, Inc.	Administrative Order	AQ	Preziosi	Negotiating before filing.
4/29/93	Technical Asbestos Control	Administrative Order	AQ	Preziosi	New case.
4/30/93	R. Excavating, Inc.	Administrative Order	AQ	Preziosi	New case.
5/07/93	Midwest Asbestos, Inc.	Administrative Order	AQ	Preziosi	New case.
5/10/93	Advanced Technologies	Administrative Order	AQ	Preziosi	New case.
5/10/93	Advanced Technologies	Administrative Order	AQ	Preziosi	New case.
5/14/93	Green Valley Chemical Corp.	Permit Conditions	WU	Hansen	New case. Closed.
5/14/93	Goodell, City of	Administrative Order	US	Clark	New case.
5/21/93	Technical Asbestos Control	Administrative Order	AQ	Preziosi	New case.
5/23/93	Fellmer Motors	Administrative Order	FP	Clark	New case.
5/28/93	Des Moines County Regional Solid Waste Commission	Administrative Order	SW	Kennedy	New case.

E93Jun-27

Chairperson Hartsuck asked when the Special Waste Authorization rules will come before the Commission again.

Mr. Stokes stated that the Administrative Rules Review Committee asked for an Economic Impact Statement on those rules, and the EIS will come before the Commission next month. The Commission cannot take final action on the rule until the EIS has been approved and published for thirty days.

Director Wilson pointed out that the rules for Chapter 1, Conflict of Interest will come before the Commission in July, and if any Commissioner has not sent in their needed statement for this rule they should immediately send it to Mike Murphy or Randy Clark.

Mr. Stokes reported that staff will meet with interested parties this week to discuss the Financial Responsibility for Landfill rules and Commissioners could possibly hear some input or comments on that subject.

INFORMATIONAL ONLY

PUBLIC PARTICIPATION

Chairperson Hartsuck announced public participation at 10:30 a.m.

George TeKippe asked if he could wait and address the item relating to the City of Winthrop at the time it is taken up. The Commission concurred with his request.

PROPOSED RULE--CHAPTER 22, SULFUR DIOXIDE EMISSION OFFSETS IN MUSCATINE

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The U.S. Environmental Protection Agency has required the department to prepare modifications to the State Implementation Plan (SIP) for air quality, to address monitored exceedances of National Ambient Air Quality Standards (NAAQS) for sulfur dioxide in the Muscatine, Iowa area. The department has been working with regulated industries in the Muscatine area to determine and implement appropriate measures to ensure continued compliance with NAAQS at Muscatine. It is also necessary to adopt amendments to state regulations specifically addressing "offsets" of emissions from new sources proposing to locate within the area.

Attached is a proposed draft of a rule to limit the impact of sulfur dioxide on ambient air in the Muscatine area.

The Commission will be asked to approve a Notice of Intended Action at their July meeting.

**ENVIRONMENTAL PROTECTION COMMISSION [567]
Notice of Intended Action**

Pursuant to the authority of Iowa Code section 455B.133, the Environmental Protection Commission gives Notice of Intended Action to amend Chapter 22, "Controlling Pollution," Iowa Administrative Code.

The Commission proposes to adopt a rule to restrict increases in impact of new sources of sulfur dioxide (SO₂) located in certain areas near the City of Muscatine. The intent of the rule is to maintain the National Ambient Air Quality Standards for SO₂ in the area.

This rule may impact industrial expansion and small businesses within the area.

The Department will conduct a public hearing to receive comments on the proposed rule. It will be held , 1993 at .

Persons wishing to make written suggestions or comments concerning the proposed rule should submit them to Peter Hamlin, Environmental Protection Division, Department of Natural Resources, Wallace State Building, Des Moines, Iowa 50319, FAX 515/281-8895 no later than , 1993.

This amendment is intended to implement Iowa Code section 455B.133.

The following rule is proposed.

ITEM 1. Amend 567--Chapter 22 by adding a new rule and renumbering subsequent rules as follows:

567--22.7(455B) Special provisions for sulfur dioxide emissions in the Muscatine area. If a source of air contaminants or modification to a source that is proposed to be permitted causes modeled, worst case, ground level SO₂ concentrations in ambient air to exceed the significance levels in the area bounded by Universal Transverse Mercator coordinates 4583000N to 4586400N and 661000W to 663000W, emission offsets must be achieved prior to startup. The significance levels are those SO₂ concentrations defined in subrule 22.4(4). The offsets obtained must result in decreases equal to, or greater than, the increases in concentrations of SO₂ at all locations within the area comprising ambient air due to the proposed source. The concentrations shall be determined using a suitable dispersion model and shall be calculated for annual, 24 hour and 3 hour averaging periods.

The modeling used to determine concentrations in the area must be in accordance with the 1986 edition of EPA's document "Guideline on Air Quality Models (Revised) (EPA Publication 450/2-78-027R)" as amended by "Supplement A to the Guideline on Air Quality Models (Revised) (EPA Document EPA-450/2-78-027R, Supplement A, July 1987)."

Mr. Stokes presented a history of ambient air quality standards exceedances dating back to June 1991 in the Muscatine area. He covered the state's work with the area to address what caused the problems and keep them from happening again. He related that will eventually be addressed through Consent Orders or Administrative Orders to insure that there is continued compliance.

Charlotte Mohr asked what date is set for the public hearing.

Mr. Stokes stated that the hearing date will not be in the Notice of Intended Action until after it is approved by the Commission. He explained that occasionally it was necessary to change the date after it was included in the Notice of Intended Action which resulted in people showing up for a hearing when there wasn't one. The Commission will be updated on the hearing dates as they are scheduled.

Discussion followed regarding when it is necessary to offset; regulations to determine maximum emissions; and how areas are selected to be modeled.

INFORMATIONAL ONLY

PROPOSED RULE--CHAPTER 23, TRAINING FIRES

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

Attached is a draft rule to amend existing air quality regulations providing exemptions from open burning prohibitions for "training fires".

The Commission will be asked to approve a Notice of Intended Action at their July Commission meeting.

ENVIRONMENTAL PROTECTION COMMISSION [567]

Notice of Intended Action

Pursuant to the authority of Iowa Code section 455B.133, the Environmental Protection Commission gives Notice of Intended Action to amend Chapter 23, "Emission Standards for Contaminants", Iowa Administrative Code.

The Commission proposes to amend paragraph 23.2(3)"g" by revising the training fire notification requirements. This revision makes the notification requirements consistent with the asbestos National Emission Standards for Hazardous Air Pollutants.

Any interested person may make written suggestions or comments on the proposed amendment on or before (date) . Such written materials should be directed to the Enforcement and Compliance Bureau, Department of Natural Resources, Wallace State Office Building, Des Moines, Iowa 50319-0034, FAX (515) 281-8895. Persons who wish to convey their views orally should contact Ms. Anne Preziosi, Enforcement and Compliance Bureau, at (515) 281-6243.

Also, there will be a public hearing on (date) , at (time) in the (room) of the (building) , at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record, and to confine their remarks to the subject of the rule.

This amendment may impact small businesses.

This rule is intended to implement Iowa Code chapter 455B.133.

The following amendment is proposed.

Item 1. Amend paragraph 23.2(3)"g" as follows:

g. Training fires. Fires set for the purpose of bona fide training of public or industrial employees in fire fighting methods, provided that ~~the director receives notice in writing at least one week~~ written notification is postmarked or delivered to the director at least ten working days before such action commences. Notification shall be made in accordance with 40 CFR Section 61.145, "Standard for demolition and renovation", of the asbestos National Emission Standards for Hazardous Air Pollutants, as amended through March 5, 1992. All asphalt roofing and asbestos-containing materials shall be removed prior to the training fire.

Date

Larry J. Wilson, Director

Mr. Stokes gave a brief explanation of the rule.

Gary Priebe asked if it was always necessary to notify the DNR of these fires. He added that he thought it was necessary to give notice only to the local fire department in the past.

Mr. Stokes stated that local fire departments have always notified the department in advance of training fires.

Discussion followed regarding responsibilities and liability in all aspects of training fires, and Mr. Stokes noted that those issues are covered in other chapters of the rule.

INFORMATIONAL ONLY

NOTICE OF INTENDED ACTION--CHAPTER 22, AIR CONSTRUCTION PERMIT EXEMPTIONS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

Attached is a draft of a rule which proposes to amend the existing air quality construction permit exemption rule. Two exemptions are amended and nine new exemptions are added.

At the suggestion of the Commission during the April meeting, the language concerning an exemption for barbecue pits and cookers has been changed.

The Commission is asked to approve the notice of intended action.

ENVIRONMENTAL PROTECTION COMMISSION [567] Notice of Intended Action

Pursuant to the authority of Iowa Code section 455B.133, the Environmental Protection Commission gives Notice of Intended Action to amend Chapter 22, "Controlling Pollution," Iowa Administrative Code.

The Commission proposes to amend two exemptions and to add nine new exemptions to the requirement to obtain an air quality construction permit. The exemption in paragraph 22.1(2)"a" is lowered to ten million BTU per hour input to be consistent with the federal New Source Performance Standard for small industrial-commercial-institutional steam generating units (23.1(2)"III"). The exemption in paragraph 22.1(2)"b" is expanded to include burning untreated wood. A new exemption is proposed for a single back-up diesel engine generator at a public utility with certain limitations intended to minimize the ambient air impact of the source.

Eight other exemptions are proposed for sources of insignificant air emissions. The Department of Natural Resources has not required construction permits for these sources, and this proposed rule clarifies that a permit is not required for such sources.

These amendments may impact small businesses.

The Department will conduct a public hearing to receive comments on these proposed amendments. It will be held , 1993, at 11:00 a.m. in the Fifth Floor Conference Room, Wallace State Office Building, 900 East Grand Avenue, Des Moines, Iowa.

Persons wishing to make written suggestions or comments concerning these proposed amendments should submit them to Christine Spackman, Air Quality Bureau, Department of Natural Resources, Wallace State Office Building, Des Moines, Iowa 50319-0034, FAX (515)281-8895, on or before , 1993.

These amendments are intended to implement Iowa Code section 455B.133.

The following amendments are proposed.

ITEM 1. Amend subrule 567--22.1(2) as follows:

22.1(2) Exemptions. The provisions of this rule shall not apply to the following listed equipment or control equipment unless review of the equipment or control equipment is necessary to comply with rule 22.4 (455B) or 22.5 (455B), in which case a permit must be obtained.

- a. Fuel-burning equipment for indirect heating and reheating furnaces using natural or liquefied petroleum gas with a capacity of less than ~~fifty~~ ten million BTU per hour input.
- b. Fuel-burning equipment for indirect heating with a capacity less than one million BTU per hour input when burning coal, untreated wood or fuel oil.
- c. Mobile internal combustion and jet engines, marine installations and locomotives.
- d. Equipment used for cultivating land, harvesting crops, or raising livestock other than anaerobic lagoons. This exemption is not applicable if the equipment is used to remove substances from grain which were applied to the grain by another person. This exemption is also not applicable to equipment used by a person to manufacture commercial feed, as defined in Iowa Code section 198.3, which is normally not fed to livestock, owned by that person or another person, in a feedlot, as defined in section 172d.1, subsection 6, or a confinement building owned or operated by that person and located in this state.
- e. Incinerators with a rated refuse burning capacity of less than twenty-five (25) pounds per hour.
- f. Fugitive dust controls unless a control efficiency can be assigned to the equipment or control equipment.
- g. Equipment or control equipment which eliminates all emission to the atmosphere.
- h. Equipment (other than anaerobic lagoons) or control equipment which emits odors unless such equipment or control equipment also emits particulate matter, or any other air contaminant.
- i. Alterations to equipment which have been determined by the department to effect no change in the emissions from the equipment.
- j. Addition of a single back-up diesel engine generator at a public utility which operates on #1 diesel fuel or #2 diesel fuel or natural gas, and operates 200 or less hours per year, and has a vertical stack discharge with a stack height of at least 20 feet above the highest roof height of any building within 500 feet of the stack.
- k. Residential wood heaters, cookstoves or fireplaces.
- l. Asbestos demolition and renovation projects subject to 40 CFR 61.145.
- m. Laboratory equipment used exclusively for chemical and physical analyses.
- n. Recreational fireplaces.
- o. Barbecue pits and cookers except at a meat packing plant or a prepared meat manufacturing facility.
- p. Gasoline, diesel fuel or fuel oil storage tanks with a capacity of 1000 gallons or less and an annual throughput less than 40,000 gallons.

June 1993

Environmental Protection Commission Minutes

- g. Stacks or vents to prevent escape of sewer gases through plumbing traps for systems handling domestic sewage only. Systems which include any industrial waste are not exempt.
r. Retail gasoline and diesel fuel handling facilities.

Date

Larry J. Wilson, Director

Mr. Stokes reviewed the rules and noted that the Commission expressed concern with regulation of barbeque pits or cookers under this rule. He explained that the language was changed to exempt that type of cooker except at a meat packing plant or a prepared meat manufacturing facility.

Motion was made by William Ehm to approve Notice of Intended Action--Chapter 22, Air Construction Permit Exemptions, as presented. Seconded by Rozanne King. Motion carried unanimously.

APPROVED AS PRESENTED

**PROPOSED RULE--CHAPTER 61, WATER QUALITY STANDARDS -
ANTIDEGRADATION POLICY**

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission deferred action on the proposed stream use designation for stream segments lying within organized drainage districts at their May, 1993 meeting. Drainage interests had questioned the impact the use designation, in combination with the Commission's water quality antidegradation policy, would have on district ditch maintenance. Although detailed information was presented in the Responsiveness Summary which showed the Department does not and cannot under existing water quality rules regulate drainage district ditch maintenance, the Commission requested that language be drafted which would clearly indicate drainage district maintenance would not violate the antidegradation policy.

The Commission will be presented with a draft rule amendment which would amend the antidegradation policy accordingly.

(A copy of the draft rule is on file in the department's Records Center)

Mr. Stokes distributed copies of the proposed amendments to the rules which state that the repair and maintenance of a drainage ditch as defined in 567-70.2 will not be considered a violation of the antidegradation policy for the purpose of implementing Title IV of the rules. He explained a change made in the definition of repair and maintenance of a drainage district ditch. Mr. Stokes distributed copies of a letter from Scott Power, representative of the Southeast Drainage District group, in support of these amendments.

INFORMATIONAL ONLY

FINAL RULE--CHAPTER 61, WATER QUALITY STANDARDS STREAM USE DESIGNATION - PHASE V

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission deferred action on proposed stream use designations for eight stream segments at their May, 1993 meeting. Seven segments were streams within legally organized drainage districts; the other segment was an unnamed tributary to the Wapsipinicon River to which the city of Winthrop discharges wastewater. Drainage Districts questioned the impact the proposed uses would have on their ability to maintain the drainage ditches and the city of Winthrop questioned the impact the designation would have on sewage treatment requirements and associated costs. The proposed stream uses for the remaining segments were approved and have been filed as a Final Rule with the Administrative Rules Coordinator.

The Commission indicated it would reconsider the proposed stream uses for the eight segments upon receipt of additional information regarding language to clearly exempt drainage district maintenance from the water quality antidegradation policy and the city of Winthrop's waste treatment facility and receiving stream characteristics. This information will be presented to the Commission under separate agenda items. Upon discussion and consideration of this additional information, the Commission is requested to approve the Final Rule which would adopt the proposed stream use designations for the remaining eight stream segments.

June 1993

Environmental Protection Commission Minutes

Iowa Water Quality Standards Water Use Designations

IOWA-CEDAR RIVER BASIN

The streams or stream segments named below in alphabetical order are referenced within the Water Use Designations for the Iowa-Cedar River Basin. Reference numbers provided in the alphabetical list correspond to numbered stream segments in the Water Use Designations.

Asher Cr. - 59	Money Cr. - 61	Running Slough Drain - 3
Baskins Run - 41	Hoosier Cr. - 46	Salt Cr. - 52
Bear Cr. - 63	Knapp Cr. - 47	School Cr. - 69
Beaver Cr. - 65	Luicks Cr. - 75	Sheldon Cr. - 70
Beaver Cr. - 22	Maynes Cr. - 36	South Beaver Cr. - 24
Beaver Cr. - 23	Mill Race - 50	South Fork Iowa River - 64
Beaver Cr. - 27	Miller Cr. - 18	Spring Cr. - 13
Beaver Cr. - 33	Minerva Cr. - 60	Spring Cr. - 30
Buffalo Cr. - 38	Morgan Cr. - 12	Stein Cr. - 54
Burnett Cr. - 58	Mud Cr. - 17	Tipton Cr. - 66
Calmus Cr. - 29	North Fork Blackhawk Cr. - 20	Twelvemile Cr. - 15
Clear Cr. - 10	Otter Cr. - 37	Unnamed Cr. - 4
Coldwater Cr. - 26	Otter Cr. - 44	Unnamed Cr. - 5
Cottonwood Drain - 1	Pine Cr. - 67	Unnamed Cr. - 6
Cottonwood Drain - 2	Pine Cr. - 68	Unnamed Cr. - 7
Deer Cr. - 56	Price Cr. - 48	Unnamed Cr. - 72
Deer Cr. - 43	Price Cr. - 49	Unnamed Cr. - 74
Dowd Cr. - 62	Quarter Section Run - 40	Unnamed Cr. - 39
Drainage Ditch No. 3 - 73	Rapid Cr. - 45	Walnut Cr. - 51
Dry Cr. - 11	Raven Cr. - 57	West Branch Wapsinonoc C - 8
Dry Run - 21	Richland Cr. - 55	West Fork Iowa River - 76
East Branch Salt Cr. - 53	Rock Cr. - 16	Wharam Cr. - 31
East Fork Iowa River - 77	Rock Cr. - 42	Willow Cr. - 28
Elk Run - 71	Rock Falls Cr. - 34	Winans Cr. - 32
Elk Run - 19	Rock Run Cr. - 9	Wolf Cr. - 14
Flood Cr. - 25	Rose Cr. - 35	

IOWA-CEDAR RIVER BASIN

MAJOR RIVER - MISSISSIPPI R. AND ITS TRIBUTARIES COTTONWOOD DRAIN AND ITS TRIBUTARIES

	A	B(WW)	B(LR)	B(LW)	B(CW)	C	HQ	NOR
Cottonwood Drain								
→ 1. Mouth (S6, T70N, R1W, Des Moines Co.) to confluence with an unnamed tributary (S13, T71N, R2W, Des Moines Co.)		X						
Cottonwood Drain								
→ 2. Confluence with an unnamed tributary (S13, T71N, R2W, Des Moines Co.) to road crossing (S30, T2N, R1W, Des Moines Co.)			X					
Running Slough Drain								
→ 3. Mouth (S31, T71N, R1W, Des Moines Co.) to confluence with an unnamed tributary (S33, T72N, R1W, Des Moines Co.)		X						

Environmental Protection Commission Minutes

June 1993

Iowa Water Quality Standards Water Use Designations

IOWA-CEDAR RIVER BASIN

MAJOR RIVER - MISSISSIPPI R. AND ITS TRIBUTARIES COTTONWOOD DRAIN AND ITS TRIBUTARIES

	A	B(W)	B(LR)	B(LW)	B(CV)	C	HQ	HQR
→ 4. Unnamed Cr. Mouth (SW 1/4, S16, T71N, R1W, Des Moines Co.) to road crossing (E 1/2, NW 1/4, S10, T71N, R1W, Des Moines Co.)			X					
→ 5. Unnamed Cr. Mouth (NE 1/4, S16, T71N, R1W, Des Moines Co.) to road crossing (W 1/2, NW 1/4, S10, T71N, R1W, Des Moines Co.)			X					
→ 6. Unnamed Cr. Mouth (S13, T71N, R2W, Des Moines Co.) to Section 7/8 line, T71N, R1W, Des Moines Co.)			X					
→ 7. Unnamed Cr. Mouth (NE 1/4, NW 1/4, S7, T71N, R1W, Des Moines Co.) to road crossing (N line S5, T71N, R1W, Des Moines Co.)			X					
CEDAR R. AND ITS TRIBUTARIES								
8. West Branch Wapsinonoc Cr. Confluence with an unnamed tributary (S4, T78N, R4W, Muscatine Co.) to confluence with an unnamed tributary (N 1/2, S32, T79N, R4W, Cedar Co.)			X					
9. Rock Run Cr. Mouth (S28, T80N, R3W, Cedar Co.) to confluence with an unnamed tributary (S28, T81N, R3W, Cedar Co.)			X					
10. Clear Cr. Mouth (S2, T81N, R5W, Johnson Co.) to confluence with an unnamed tributary (NW 1/4, NW 1/4, S28, T82N, R4W, Cedar Co.)			X					
11. Dry Cr. Mouth (S1, T83N, R7W, Linn Co.) to confluence with an unnamed tributary (S15, T84N, R7W, Linn Co.)			X					
12. Morgan Cr. Mouth (S14, T83N, R8W, Linn Co.) to confluence with an unnamed tributary (SW 1/4, S22, T83N, R8W, Linn Co.)			X					
13. Spring Cr. Mouth (S27, T87N, R11W, Blackhawk Co.) to confluence with East Branch Spring Cr.			X					

June 1993

Environmental Protection Commission Minutes

Iowa Water Quality Standards Water Use Designations

NORTHEASTERN IOWA RIVER BASINS

Northeastern Iowa River Basins (Wapsipinicon River, Maquoketa River, North Fork Maquoketa River, Turkey River, Volga River, Yellow River, and Upper Iowa River Subbasins).

The streams or stream segments named below in alphabetical order are referenced within the Water Use Designations for the Northeastern Iowa River Basins. Reference numbers provided in the alphabetical list correspond to numbered stream segments in the Water Use Designations.

Canoe Cr. - 29	North Branch Turkey Rive - 20	Unnamed Cr. - 22
Dibble Cr. - 15	North Fork Yellow River - 27	Unnamed Cr. - 26
Dry Branch - 18	Mutting Cr. - 17	Volga River - 13
Dry Cr. - 7	Paint Cr. - 28	Walton Cr. - 3
East Branch Otter Cr. - 10	Pine Cr. - 6	Watsons Cr. - 12
Fitzgerald Cr. - 16	Plum Cr. - 11	West Branch Turkey River - 21
Harter Cr. - 8	Sand Cr. - 4	Williams Cr. - 25
Heatons Cr. - 2	Silver Cr. - 1	Wonder Cr. - 19
Hickory Cr. - 24	Trout Cr. - 30	Yellow River - 23
Hunter Cr. - 9	Trout Cr. - 31	
Little Volga River - 14	Unnamed Cr. - 5	

NORTHEASTERN IOWA RIVER BASINS

MAJOR RIVER - MISSISSIPPI R. AND ITS TRIBUTARIES
WAPSIPINICON R. AND ITS TRIBUTARIES

	A	B(WW)	B(LR)	B(LW)	B(CW)	C	HO	HQR
Silver Cr.								
1. Mouth (NE 1/4, S13, T87N, R7W, Buchanan Co.) to confluence with an unnamed tributary (NW 1/4, S5, T87N, R6W, Delaware Co.)			X					
Heatons Cr.								
2. Mouth (S12, T85N, R6W, Linn Co.) to confluence with an unnamed tributary (S1, T85N, R6W, Linn Co.)			X					
Walton Cr.								
3. Mouth (S20, T86N, R6W, Linn Co.) to confluence with an unnamed tributary (S 1/2, S1, T86N, R7W, Linn Co.)			X					
Sand Cr.								
4. Mouth (S14, T87N, R8W, Buchanan Co.) to confluence with an unnamed tributary (W 1/2, S15, T87N, R8W, Buchanan Co.)			X					
Unnamed Cr.								
→5. Mouth (SE 1/4, S28, T88N, R8W, Buchanan Co.) to confluence with an unnamed tributary (SE 1/4, NW 1/4, S22, T88N, R8W, Buchanan Co.)			X					

Mr. Stokes distributed a list highlighting the eight stream segments which the Commission did not act on last month. He related that those segments are marked with an arrow and noted that acceptable language has been worked out with the drainage district interests.

Nancylee Siebenmann asked if this changes the concerns of the City of Winthrop regarding their waste treatment facility.

Mr. Stokes stated that the Winthrop issue will be addressed in the following item (#12).

Commissioner Siebenmann noted that the issue is included in this item (#11) as part of Winthrop's concerns.

Motion was made by Nancylee Siebenmann to delay action on this item until after item #12 is handled. Seconded by Rozanne King. Motion carried unanimously.

DELAYED TO FOLLOW NEXT ITEM

CITY OF WINTHROP WASTEWATER TREATMENT FACILITY AND RECEIVING STREAM

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission deferred action on the proposed stream use designation for an unnamed tributary of the Wapsipinicon River at their May, 1993 meeting. The stream receives effluent from the city of Winthrop's wastewater treatment plant and the city raised questions regarding the proposed use designation as well as the impacts such a designation would have on the city's sewage treatment requirements and associated construction and operation costs.

As requested by the Commission, additional information will be presented regarding the city's treatment facility as well as the receiving stream. Specific information will include:

- a chronology of the construction of the city's wastewater treatment facility;
- a discussion of the rationale and methodology used in establishing the proposed stream use designation for the unnamed creek;
- a summary of the calculations used to establish discharge permit limits; and
- a summary of findings regarding the benefits to aquatic life from advanced wastewater treatment facilities.

Mr. Stokes stated that a report was distributed to the Commission entitled "Summary Report, Proposed Stream Use Designation - Unnamed Creek, and Permit Limitations - City of Winthrop."

He noted that a chronology of construction of the city's wastewater treatment facility is included in the report as well as the rationale and methodology used in establishing the proposed stream use. He related that the bottom line is that the City of Winthrop began construction and had a portion of their sewage treatment plant constructed prior to obtaining the required construction permits from the department. The department had early on notified the city that the quality of their effluent was becoming marginal and they needed to look at requirements to upgrade their plant. Staff discovered at a later date that the city began construction without getting the needed permits. He added that, generally, when someone comes in to obtain construction permits and corresponding discharge limits, it is then that the department assesses what the proper designation is going to be for that receiving body and then set effluent standards. Mr. Stokes related that the city now has a construction permit and is still building the facility, and the department will need to issue them a discharge permit. He noted that in looking at what the effluent coming out of their plant should be, staff believe that the plant they built would meet their discharge limit requirements to protect the lower stream segment as B Limited Resource. Even if it were redesignated as a B Limited Resource from a General Use stream, staff feel the treatment plant will be sufficient to provide effluent quality that would be protected with that designation. Staff has requested the city to provide information on wet weather flows coming out of the plant at the time there is a low flow in the receiving body itself. He noted that the department has not yet received that information.

George TeKippe

George TeKippe, TeKippe Engineering, stated that in regards to the comment that the city has to submit materials to get an operating permit for the plant when it becomes finished this year, that the plant has been fully operational since May 15. He related that they have had an operating permit since last October and there is no mention of ammonia limitations in the permit, which was issued with the understanding that the plant be finished this year. Last year the city stopped construction of the plant and waited for the construction permit to be issued before finishing the plant. He noted that the ammonia limitations were discussed last fall but the city was under the understanding that the stream was going to be classified as a General Use stream, not a Limited Resource stream. He added that the city's ammonia limitations came to a point this spring when they found out that a portion of the stream was going to be classified as Limited Resource. Mr. TeKippe stated that they understand that aquatic life in the stream does justify it being classified as a Limited Resource if you look at it as being a regular stream. He related that the aquatic life in the stream does not serve as a food source to the game fish in the Wapsipinicon River. Also, DNR determined that the the only time there should be a problem with the wastewater plant discharge is during low flows. Therefore, if the city can show that the plant's high flows would correspond only with stream high flows, then ammonia removal from the plant's effluent should not be required and the classification of the stream as a Limited Resource will not affect the city. He stated that it puts the responsibility on the city to determine whether the plant effluent and receiving stream flows rise and fall together, adding that the city does not have resources to do a study on it. Additionally, it would be a large expenditure to develop a gaugeing station. Mr. TeKippe stated that if a correlation does not exist the city will be told to limit the ammonia in the discharge. He related the ammonia limitation can only be done by storing the water and cannot

be done by further treating to remove the ammonia. In conclusion, he proposed leaving the stream classified as a General Use stream. He asked that if the department is looking at ammonia removal from the municipal plant, they should also look at what is accomplished through that ammonia removal.

Discussion followed regarding average daily flow from the wastewater treatment plant, characteristics for stream classification, preservation of aquatic life, and gauging stations.

Chairperson Hartsuck commented that Mr. TeKippe questioned the standards for ammonia discharge and what they are based on, and added that he does not think exceptions should be made in certain instances because there is uncertainty that all the standards are correct.

Mr. TeKippe stated that the comment relative to studying the stream from which ammonia has been removed from a wastewater plant's effluent in discharging to these streams pertains to the state of Iowa, not to the City of Winthrop. He added that the state of Iowa, as a whole, needs to look at the problem.

Mr. Stokes stated that ammonia standards were reviewed in 1990. Much staff time was spent on modifying the federal standards to be specifically applicable in Iowa based on the types of species of fish found in Iowa, and based upon the temperature and Ph of the waters in Iowa. He added that the main question pertains to what the appropriate applicability is of those standards in this particular instance, to this particular facility. He noted that there is a fundamental difference with agricultural runoff and ammonia concentrations during high and low flow periods and those of a waste treatment plant discharging day in and day out. Mr. Stokes pointed out that the department has not done any studies after the fact, but there have been studies that show that zero ammonia removal to ammonia removal in the first stage has had some benefit. There have not been many facilities up and operating with the new reductions in the ammonia requirements to do a study on. Additionally, the department does not have the money to do these studies. Mr. Stokes stated that staff are requesting additional information from the City of Winthrop to confirm that there will not be wet weather flows coming out of the plant at the time there are low flows in the stream. He related that this request is not unusual as similar requests have been made of other facilities.

Mr. TeKippe commented that if the stream is classified as Limited Resource, and the stream study is done and the two flows correspond, nothing will be done physically in the field. He added that if the two flows do not correspond, then the city will be required to remove ammonia from the stream that is supporting aquatic life at this time. He noted that the only way the city can do that is to hold back water during low flow periods, and when water is held back and there is no discharge taking place the stream flow will dry up the pools, resulting in harm to the aquatic life. He stressed that it will do more harm than benefit to the stream.

NancyLee Siebenmann commented that she was part of the 1990 decision making process in terms of the ammonia limitations and felt that the right thing was being done. She expressed concern that there is no follow-up to evaluate the results of areas where ammonia removal has been accomplished.

Chairperson Hartsuck noted that in 1990 there was a great deal of concern about the economic impact of the standards at that time. He reiterated that individual exceptions should not be made based on the reasonableness of the standards.

Discussion followed regarding economic factors and benefit of protecting the natural ecosystem, and the lack of funds to do a study.

Commissioner Siebenmann remarked that a study should indicate whether the state is moving in the right direction. She added that in these difficult economic times, if industry is spending a lot of money without any demonstrable benefit, then the department and Commission are subject to serious question. She reiterated it is very defensible to have some kind of study to prove the state is right or wrong.

Mr. Stokes asked who is going to give the definition of what the "right direction" is, how is it quantified, and how to measure the hypothesis from the standpoint that there is very little data. He added that the Commission may want to consider requesting funds for this type of study of in their legislative package next year.

Clark Yeager asked what the Commission's choices are in this matter.

Mr. Stokes stated that the choices are to reclassify the stream impacting the City of Winthrop as B Limited Resource or leave it as General Use, and to decide on the other seven streams as well.

Motion was made by William Ehm to adopt the stream use designations on the eight streams as proposed at the May Commission meeting in Final Rule--Chapter 61, Water Quality Standards Stream Use Designations. Motion failed for lack of a second.

MOTION FAILED

Motion was made by Charlotte Mohr to classify the Unnamed stream that impacts on the City of Winthrop as a General Use stream. Seconded by Clark Yeager.

William Ehm stated that in 1990, when the ammonia removal standards were approved by the Commission, the question was whether the state would get the "bang for the buck." in maintaining water quality. He related that studies are not going to bear us out one way or the other definitively. He emphasized that if the Commission is going to do a shift in policy on the way streams are classified because of the economic impact on communities, maybe reconsideration should be given to the decisions made in the past. He added that the Commission should not adjust the standards for a particular stream because of a specific community's concerns, noting that there probably isn't a city in Iowa that couldn't come in and raise the same issues.

Chairperson Hartsuck stated that he agrees with Commissioner Ehm's statement, adding that if the Commission begins to make exceptions to the very standards they set, they are abusing the whole process.

Gary Priebe commented that he agrees with Commissioner Ehm and Commissioner Siebenmann but feel some studies are needed to verify results to confirm that the right thing is being done. He asked about approving the stream classifications and giving Winthrop a 2-year hiatus on meeting their ammonia effluent and possibly do a study.

Commissioner Siebenmann clarified that she did not say she thought the direction should be changed or not meet the standards previously set by the Commission, but she does think that if the department cannot demonstrate somewhere along the line that there has been improvement, then it has been an exercise in futility. She added that a study should be done to prove whether or not an improvement has been made.

Discussion followed regarding possible funding for a study; constructing the facility without getting a permit; number of aquatic species and criteria to classify the stream; and holding discharge to reduce ammonia in a stream.

Chairperson Hartsuck requested a roll call vote on Commissioner Mohr's motion to classify the Unnamed stream impacting the City of Winthrop as General Use. "Aye" vote was cast by Commissioners Priebe, Yeager, King, and Mohr. "Nay" vote was cast by Commissioners Siebenmann, Britt, Ehm, and Hartsuck. Motion failed on a vote of 4-Aye to 4-Nay.

MOTION FAILED

Commissioner Ehm offered his motion for reconsideration - to approve the eight stream designations as B Limited Resource, as originally proposed. Commissioner Siebenmann stated that she would second the motion if it included a recommendation that the department do a follow-up cost/benefit study and the department utilize all available means to obtain the resources for the study, and that a request for funds also be included in the Commission's next legislative package. Commissioner Ehm stated that he was thinking the same thing and concurred with including Commissioner Siebenmann's recommendation in his motion. Motion carried unanimously.

APPROVED WITH STIPULATION FOR A COST/BENEFIT STUDY

This action essentially handled Item #11, which was previously delayed to follow this item.

Clark Yeager asked staff to provide a report on how the number of species in a stream determines the stream classification.

Mr. Stokes stated that he will make a presentation on this subject at next month's meeting.

PROPOSED RULE--CHAPTER 72, FLOODPLAIN DEVELOPMENT, PROTECTED STREAMS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be presented with a list of streams which the Natural Resources Commission has petitioned the EPC to consider for inclusion as Protected Streams under 567-72.50, Protected Streams. The list of candidate streams is based on recommendations from the Department's Fish and Wildlife Division. Division personnel selected the candidate streams or segments thereof in recognition of the streams' existing attributes including water quality and aquatic and wildlife habitat.

Protected Streams are given special consideration under the Department's Floodplain Development rules in that:

- Channel changes are essentially prohibited on Protected Streams. Variances can be granted only if a channel change is part of a public project such as a roadway and is the only reasonable and practicable alternative or if bank erosion is threatening the stability of a building and erosion control measures are not feasible or practical.
- The regulatory jurisdiction for channel changes includes the entire protected reach, regardless of drainage area. For streams not classified as Protected Streams, channel changes on streams draining less than 10 square miles in rural areas or two square miles in urban areas are not regulated. Therefore, for some small streams, the Department's channel change jurisdiction is extended downward.

Protected Stream status does not insure that the entire riparian corridor will be left in its natural state; it only provides reasonable assurance the channel will be left in a natural, unchannelized condition. Projects such as bank stabilization and bridges or projects on the floodplains of such streams would not be prohibited by the Protected Stream designation.

The petition provides the documentation specified in 567-72.51 to begin formal rulemaking procedures to add 138 streams or stream segments to the existing 115 streams or stream segments currently listed as Protected Streams. Extensive public notifications and hearings will be required to meet the provisions of 567-72.51(4) as well as the usual requirements of the Administrative Procedures Act. The existing Protected Streams are primarily streams in the Northeast portion of Iowa; the proposed additions have a much broader geographic distribution. A map showing the location of the proposed stream or stream segments will be provided. No streams or stream segments being proposed for Protected Stream status are known to be within an organized drainage district.

(A copy of the proposed rule and the petition from the Natural Resource Commission is on file in the department's Records Center).

Mr. Stokes explained that the Commission has been petitioned by the Natural Resource Commission to go to rulemaking to list a number of stream segments as protected streams. This would add 138 stream segments to the 115 segments currently designated as protected streams. He expanded on impacts and what can or cannot be done under this type of designation emphasizing that it basically means a person could not do channelization work and destroy habitat in these areas.

Doug Smalley

Doug Smalley, Natural Resource Commissioner, addressed the Commission stating that the NRC is pleased to work with them in protecting significant areas from channelization. He stressed that the drainage district areas will not be impacted as those areas are, by their very nature, channelized areas. He described several specific stream areas listed in the petition for rulemaking. Mr. Smalley stated that he has always thought of these areas as pieces of riparian heritage to be preserved, not only for the valuable things they have, but just because they are worth having.

Clark Yeager asked why the NRC petitioned the Commission to do this.

Mr. Smalley responded that the staff brought the idea to the NRC who subsequently discussed it and felt that it should be done before someone did do some damage to the areas.

Discussion followed and Mr. Stokes stated that the department will provide widespread public notice on the rule but there is no way all landowners can be individually notified.

INFORMATIONAL ONLY

CONTESTED CASE DECISION APPEAL--HARLAN AND ELAINE PRUESS

Mike Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

On September 19, 1990, the Department made a claim for payment of \$112,023.37, directed to Harlan Pruess, d/b/a Pruess Elevator, Inc. the claim was for cleanup costs incurred by the Department associated with removal of approximately 13,000 bushels of corn contaminated with aflatoxin. On September 20, 1990, the Department filed a lien on real property owned by Harlan and Elaine Pruess, in connection with that same matter. Those actions were appealed and the matter proceeded to administrative hearing on October 1, 1992. The Administrative Law Judge issued the Proposed Findings of Fact, Conclusions of Law, and Order on February 18, 1993. The decision affirms the claim against Harlan Pruess, determines that no claim has been filed against Pruess Elevator, Inc. or Elaine Pruess, and determines that a portion of the cleanup costs are not included in the lien.

The Department and Harlan and Elaine Pruess have appealed this order to the Commission. The Proposed Decision, and pertinent documents have been distributed to the Commissioners. The entire record, including hearing tapes and exhibits are available for your review. The parties will be available to argue their respective positions and respond to your questions. You may then affirm the Proposed Decision, or modify or reverse it, substituting your own findings of fact and conclusions of law based on your conclusions from your review of the record and legal argument.

This item was tabled for one month at the May Commission meeting. Each Commissioner was sent a copy of the entire record and hearing tapes for their review.

Motion was made by Clark Yeager to remove the Harlan and Elaine Pruess Contested Case from the table. Seconded by Gary Priebe. Motion carried unanimously.

PRUESS CASE REMOVED FROM THE TABLE

Mr. Murphy stated that the Commission requested copies of the briefs and tapes for their further review. He noted that the supplemental briefs requested by the Commission were also forwarded to them. Arguments were presented by both sides at last month's meeting.

Rozanne King asked Mr. Murphy to clarify the issues that are contested in this case.

Mr. Murphy stated that in regard to the finding that the department had not stated a claim against the corporation, he asked that the last three paragraphs under the Conclusions of Law #1, starting on Page 18, be replaced with paragraph 8A of his own brief. The other issue the department would like changed is Conclusion of Law #IV, on Pages 23-25, dealing with whether the department filed their lein in a timely manner. He asked that this be replaced with his conclusion #9, on Pages 17-18 of his brief. The ALJ found that only a portion of the department's claim would be good.

Mr. Murphy stated that the crux of the issues raised by Mr. Pruess is that they do not feel there should be any liability on the part of Harlan Pruess.

Chairperson Hartsuck stated that he has thought about this case very strongly in the last month and would like the Commission to discuss it among themselves and see where they can agree, then if they disagree take a straw vote before taking any action on it.

that it was ~~Nancylee Siebenmann commented that there seems to be a preponderance of evidence in terms of whether it is Harlan Pruess as an individual or Pruess Elevator, Inc. (PEI).~~ She added that she feels strongly that Harlan Pruess made all of the decisions for the corporation, but one reason for incorporation is to protect the assets against liability for the individual. She related that she came to the conclusion that the department is dealing with the elevator since every document, except one, was addressed to PEI.

Chairperson Hartsuck informed the Commission that there is a statute cited that states a person having control over a hazardous substance is strictly liable. He pointed out that regardless of whether or not Mr. Pruess was acting for the corporation, he was the person having control. Chairperson Hartsuck expanded on this issue.

William Ehm commented that it reinforces his thinking of the whole subject adding that a corporation of that size cannot say they did not know what was going on. He related that Harlan Pruess and PEI should both be held liable.

A very lengthy discussion took place regarding the following issues: piercing the corporate veil; the way the bill of sale was signed; use of bad judgment in purchasing contaminated corn; possibly including FmHA and the state of Oklahoma in a claim; blending the corn to a usable state; defining a hazardous substance and whether Aflatoxin corn is a hazardous substance; and the DNR possibly looking at alternative ways to do the cleanup.

Chairperson Hartsuck asked the Commission to take a straw vote on the question of whether Harlan Pruess, as an individual, is responsible. The poll resulted in a vote of 3-yes with the remainder of the Commission not voting.

In another straw vote the Commission voted as follows: a) Harlan Pruess as individually liable - 0 votes; b) Harlan Pruess and PEI both liable - 4-yes votes; c) PEI individually liable - 3-yes.

Commissioner Siebenmann stated that she is waivering due to her lack of a legal knowledge to decide who is liable.

Further discussion took place with the Commission trying to determine just exactly who was responsible and who is liable in this situation. Another straw poll was taken with the majority leaning towards Harlan Pruess and PEI being jointly responsible.

Chairperson Hartsuck proposed to affirm the ALJ decision in all respects except that PEI be included as also having liability. He explained that that would make Harlan Pruess and PEI both liable and would disappoint the department in that a portion of the expenses prior to March 23 would not be included in the opinion.

A straw poll on this proposal showed a vote of 6-yes and 2-no.

Nancylee Siebenmann asked Clark Yeager on what basis he disagrees.

Clark Yeager stated that it was PEI who bought the corn and he does not think any court will say it is Harlan Pruess who is liable. He added that the issues of a hazardous substance or hazardous waste is totally up in the air and the business was done as PEI.

Discussion followed regarding the option of enjoining FmHA and the State of Oklahoma in getting a reimbursement to defray the cleanup costs, as well as other topics previously discussed.

Motion was made by William Ehm to affirm the Administrative Law Judge decision with the exception that Pruess Elevator, Inc. also be held liable, and to amend the Order as stated in paragraph 8A of Mike Murphy's brief.

Discussion followed regarding whether or not the Chair can second a motion to get it moving and Mr. Murphy indicated that he had written a memo to the Chair several years ago regarding his authority to act on Commission matters.

Seconded by Richard Hartsuck.

Nancylee Siebenmann stated that she would like to hear any reasons why anyone who will resist the motion would ~~did~~ ^{do} so.

Clark Yeager stated that he feels it is entirely PEI's liability.

Gary Priebe stated that he agrees with Commissioner Yeager and he also feels that they are not including all parties who are liable.

Chairperson Hartsuck requested a roll call vote. "Aye" vote was cast by Commissioners Siebenmann, Britt, Ehm, King, Mohr, and Hartsuck. "Nay" vote was cast by Commissioners Yeager and Priebe. Motion carried on a vote of 6-Aye to 2-Nay.

ALJ DECISION AFFIRMED WITH AMENDMENTS

Further discussion took place regarding Aflatoxin corn and related issues such as airborne pollutants, a policy for future handling of similar situations, and whether or not the department received any feedback from Dr. Starr at ISU.

Mr. Murphy noted that they have put a paper out on his findings.

Discussion followed regarding possibly having some form of agricultural research for better ways to deal with this type of situation in the future. The Commission indicated that would like to present a request to the Department of Agriculture for this type of research.

Mr. Stokes stated that he will provide a draft request for the Commission.

William Ehm asked if, sometime in the future, a report could be provided to the Commission pertaining to FmHA and the State of Oklahoma's role in the Pruess matter. He asked if they might possibly have someone from the Attorney General's Office relay information as to whether the department should be pursuing involving those two entities.

NEXT MEETING DATES

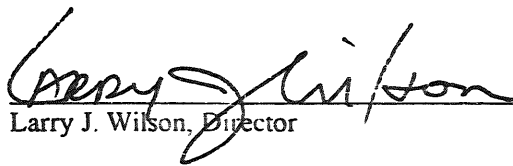
July 19, 1993

August 16, 1993

September 20, 1993

ADJOURNMENT

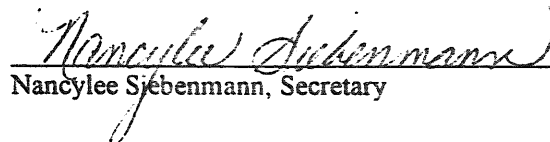
With no further business to come before the Environmental Protection Commission, Chairperson Hartsuck adjourned the meeting at 4:30 p.m., Monday, June 21, 1993.



Larry J. Wilson, Director



Richard Hartsuck, Chairperson



Nancy Lee Siebenmann, Secretary

INDEX

A

- Adjournment, 49
- Adoption of Agenda, 1
- Air Construction Permit Exemptions--
Chapter 22
Notice of Intended Action, 32
- Appointment
Smalley, Doug (petition for protected
stream rulemaking), 45
TeKippe, George
City of Winthrop stream
classification, 40
- Approval of Minutes, 1

C

- Call to Order, 1
- City of Winthrop Wastewater Treatment
Facility and Receiving Stream, 39
- Commissioners Absent, 1
- Commissioners Present, 1
- Contested Case Decision
Appeal
Pruess, Harlan and Elaine, 45

D

- Director's Report, 1

F

- Final Rule
Chapter 213, Packaging - Heavy Metal
Content, 7
Chapter 61, Water Quality Standards -
Use Designation - Phase V, 35
- Financial Status Report, 2
- Floodplain Development, Protected
Streams--Chapter 72
Proposed Rule, 44

M

- Monthly Reports, 13

N

- Notice of Intended Action
Chapter 22, Air Construction Permit
Exemptions, 32

P

- Packaging - Heavy Metal Content--Chapter
213
Final Rule, 7
- Proposed Rule
Chapter 22, Sulfur Dioxide Emission
Offsets in Muscatine, 28
Chapter 23, Training Fires, 30
Chapter 61, Water Quality Standards -
Antidegradation Policy, 34
Chapter 72, Floodplain Development,
Protected Streams, 44
- Pruess, Harlan and Elaine
Contested Case Decision Appeal, 45

S

- Smalley, Doug (petition for protected stream
rulemaking), 45
- Sulfur Dioxide Emission Offsets in
Muscatine--Chapter 22
Proposed Rule, 28

T

- TeKippe, George (City of Winthrop stream
classification), 40
- Training Fires--Chapter 23
Proposed Rule, 30

W

- Water Quality Standards - Antidegradation
Policy--Chapter 61
Proposed Rule, 34
- Water Quality Standards - Use Designation -
Phase V--Chapter 61
Final Rule, 35